

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CRIMINAL CASE NO. CCB-16-0267
DANTE BAILEY, et al.,)
Defendants.)
_____)

Tuesday, March 19, 2019
Courtroom 1A
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE
(AND A JURY)

VOLUME I

For the Plaintiff:

Christina Hoffman, Esquire
Lauren Perry, Esquire
Assistant United States Attorneys

For the Defendant Dante Bailey:

Paul Enzinna, Esquire
Teresa Whalen, Esquire

Reported by:

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1 For the Defendant Randy Banks:

2 Brian Sardelli, Esquire

3 For the Defendant Corloyd Anderson:

4 Elita Amato, Esquire

5
6 For the Defendant Jamal Lockley:

7 Harry Trainor, Esquire

8 For the Defendant Shakeen Davis:

9 Paul Hazlehurst, Esquire

10
11 For the Defendant Sydni Frazier:

12 Christopher Davis, Esquire

13
14 Also Present:

15 Special Agent Christian Aanonsen, ATF
16 Gerard Martin, Esquire

P R O C E E D I N G S

(Motions hearing re Defendant Dante Bailey under separate cover.)

(9:57 a.m.)

THE COURT: Do you want to discuss the other -- briefly the other motion in limine issue that we need to resolve before opening?

And that would be Ms. Whalen or Mr. Enzinna.

Thank you, Mr. Martin.

MR. MARTIN: Thank you, Your Honor.

MR. ENZINNA: Your Honor, this is our motion in limine to exclude certain evidence. And the evidence we seek to exclude, there are several different things. One is the video of Mr. Bailey and his family. One is a communication from prison, written communications. Another is a jail call involving Mr. Spence. And the last is a telephone call involving Mr. Dent and Mr. Deleon.

THE COURT: Okay. And let me, with apologies, interrupt you. I thought there was only one of those that needed to be resolved before opening. The Government wished to use, I believe, the letter relating to popping a bottle of champagne.

MR. ENZINNA: Okay. Well, then I'll confine my argument to that.

THE COURT: Is that correct?

1 **MS. HOFFMAN:** That's correct.

2 **THE COURT:** That's the only one you would like to be
3 able to use in your opening?

4 **MS. HOFFMAN:** In opening, that's correct.

5 **THE COURT:** My rulings may be different on the other.

6 **MR. ENZINNA:** That's fine.

7 **THE COURT:** Thanks.

8 **MR. ENZINNA:** First of all, the Government does not
9 dispute that this -- the Government does not claim that this
10 evidence meets any of the requirements of Rule 404(b) for
11 admission. Their argument is that this is not 404(b) evidence,
12 that this is intrinsic to the conspiracy and, therefore, not
13 404(b) evidence.

14 But to be intrinsic to the conspiracy, the evidence
15 has to be inexplicably intertwined or part of the same criminal
16 episode. In other words, it has to be in furtherance of the
17 conspiracy. It has to advance the RICO undertaking or
18 facilitate the racketeering activity.

19 These communications occurred after the conspiracy was
20 ended, when the individuals were all put in jail.

21 And the question whether it is -- the Government in
22 their argument says this makes no sense because if he were
23 confessing to the acts in the indictment, we wouldn't have to
24 supersede in order to capture those -- that -- in order to use
25 that confession, but that's not what's happening here.

1 Mr. Bailey is not confessing to the acts in the
2 indictment. This is a separate act that is not in the
3 indictment that occurs after the conspiracy alleged in the
4 indictment. So for that reason, Your Honor, we would submit
5 that it is not intrinsic to the conspiracy.

6 In addition, in order to be in furtherance of the
7 conspiracy, the question is -- what exactly is happening here
8 is, even assuming that this is a, quote/unquote, hit letter and
9 that this is -- the reference to popping a bottle of champagne
10 is a request that someone be killed, the question is: Is that
11 activity in furtherance of the conspiracy?

12 And where is the evidence that that is part of the
13 conspiracy? What -- where is there evidence that -- of what --
14 who is being targeted in this hit letter and why?

15 Now, there is someone who's referred to in this as
16 Champagne, a gentleman named Greer. Now, if that is him, is
17 there evidence that this, quote/unquote, hit, if that's what it
18 is, is being ordered to further the aims and the ends of the
19 conspiracy as opposed to something else? And, Your Honor, that
20 evidence is just not there.

21 I mean, the evidence, I believe, shows that Mr. Greer
22 had a relationship with Mr. Bailey, but not necessarily with
23 the conspiracy.

24 Now, there's another piece of this letter as well or
25 of these communications which is statements about a reputation

1 that Mr. Bailey claimed to have.

2 First of all, I want to note that the Government's
3 agreed in their response to redact the portion referring to
4 shooting police as "kid."

5 But the rest of it, the reference to a reputation of
6 getting people killed, what he's talking about there on the
7 terms of the letter itself is events that happened when he was
8 a, quote/unquote, kid. These are -- these are things that he's
9 talking about that happened long ago. He's a 40-year-old man.
10 These are things that he's talking about that happened a very
11 long time ago.

12 And the Government also seizes on the word "rats" in
13 there, where he talks about rats. And what he says in there is
14 that certain rats overheard him on the telephone.

15 He doesn't say in there that he wants to kill any
16 rats. He doesn't say he wishes any harm on those rats. All he
17 says is they overheard him on the telephone.

18 So, Your Honor, I would submit that this -- these
19 communications do not -- they're not intrinsic to the
20 conspiracy. They are 404(b) evidence, and they should be
21 excluded on that basis.

22 But even if not, I think Rule 404 -- Rule 403 compels
23 their exclusion as well.

24 The first question is: Are they probative? How
25 probative are they? What's the probative value? And I've just

1 talked about whether or not these are even in furtherance of
2 the conspiracy.

3 And the second is the prejudice. Obviously, the
4 prejudice is very, very high. To argue that Mr. Bailey is
5 sending out a hit from jail is extraordinarily prejudicial. To
6 say that this is an individual who not only has been -- who's
7 been arrested for a crime, who's in police custody and who is
8 still attempting to commit murders is extraordinarily
9 prejudicial.

10 And we would submit that the probative value of this
11 evidence in that regard is very slim. And for that reason, it
12 ought to be excluded under Rule 403. Thank you.

13 **THE COURT:** Thank you. Thank you, Mr. Enzinna.

14 Ms. Hoffman.

15 **MS. HOFFMAN:** Your Honor, what we have here is very,
16 very clear evidence of a plot by Mr. Bailey to kill a witness
17 in this case. The hit letter that was intercepted didn't just
18 name Champagne, which is the name of the cooperating witness;
19 it also provided his address, his actual address.

20 This is very, very clear evidence of a plot to kill a
21 cooperating defendant, someone who's actually going to testify
22 in this case. And he's going to testify not just against
23 Mr. Bailey, but against all six of the defendants here. He was
24 part of this conspiracy, and he will be testifying against all
25 of them.

1 The Fourth Circuit has recognized that a conspiracy's
2 activities do not always end when some of its members go to
3 jail, and the Fourth Circuit has also made clear that there's
4 no requirement that all of the Government's evidence fall
5 within the time period of the indictment provided, that it's
6 relevant to the charges.

7 Here we have charged the defendants with a
8 racketeering conspiracy, with participating in the gang's
9 affairs through a pattern of racketeering activity that
10 included murder, witness tampering, and witness retaliation.
11 And this hit letter goes to central disputed issues in the
12 case. It's evidence of murder. It's evidence of witness
13 tampering. And it's evidence of witness retaliation.

14 There's a Fourth Circuit case that we noted in our
15 brief, United States versus Marfo, that is very similar to the
16 case we have here.

17 And the Fourth Circuit recognized in that case that
18 the defendant's threats and statement of an intent to kill
19 witnesses in the same case in which he was charged, quote, were
20 probative of existence of the ongoing conspiracy and, quote,
21 intrinsic evidence of consciousness of guilt.

22 And that's exactly what we have here. The hit letter
23 is evidence of consciousness of guilt. It's also evidence of
24 an ongoing conspiracy. And it's evidence of the racketeering
25 acts that we've charged against the defendant.

1 **THE COURT:** I have -- I don't have the whole letter in
2 front of me. But I do -- and I'm looking at your response, so
3 it's ECF No. 1056. Mr. Enzinna addressed this to some extent.

4 I am not clear why -- assuming that the other portions
5 of this letter come in, you would seek to admit the first
6 sentence [reading]: I have a reputation of getting people
7 killed with no pics, so the lawyers and prosecutors are on high
8 alert.

9 How does that relate to anything specific? What is
10 that based on? Why is that not similar to what you've agreed
11 to redact, I think appropriately, the next part about his
12 supposed history as a kid?

13 **MS. HOFFMAN:** Sure, Your Honor. We anticipate that
14 what Mr. Bailey is going to argue at trial, as he's argued in
15 the past, is that this was not actually a hit letter; that he's
16 going to argue that when he said, "Pop a bottle of champagne,"
17 he wasn't actually saying kill Champagne.

18 And so we do believe that this language in the letter
19 is important context; that it explains that -- it gives the
20 jury -- it provides context for how to interpret the coded
21 language: Pop a bottle of champagne.

22 He says, "I have a reputation of getting people
23 killed," and he also uses the term "rat" to describe people who
24 cooperate with law enforcement.

25 And we believe that that is important context to allow

1 the jury to interpret the coded language, "Pop a bottle of
2 champagne," as a hit on a cooperating witness in this case.

3 **THE COURT:** Okay. Anything else?

4 **MS. HOFFMAN:** No. That's it. And I would also add
5 that I was not planning to reference this reputation of
6 "getting people killed" language in my opening; just the fact
7 of the plot against the witness.

8 **THE COURT:** Okay. Well, perhaps we can stop there at
9 this point, because I was going to say that at least for
10 opening, you should not put in front of the jury any of that
11 particular paragraph.

12 So, Mr. Enzinna, anything you wanted to add on the
13 other point?

14 **MR. ENZINNA:** Well, Your Honor, I just would add that
15 Ms. Hoffman said this is clear evidence of a hit. And,
16 frankly, I'm not sure that it is very clear. I mean, what he
17 says is, "Pop a bottle of champagne," and he gives an address.

18 Now, the notion that that's a hit letter comes from
19 something else. I mean, if he had said in the letter, "I want
20 you to go take care of this guy. I want you to go hit this
21 guy, kill this guy," that's very clear evidence.

22 And I know that you've already ruled that the
23 Government should not use the second paragraph, the reputation
24 paragraph, in opening. But we talked about the context of
25 this. If you read that paragraph carefully, what he says is,

1 "I have a reputation of getting people killed, so the lawyers
2 and prosecutors are on high alert."

3 He's not talking about killing witnesses. He's not
4 talking about retaliating against witnesses. He's talking
5 about something else. And he talks about the rats who
6 overheard him on a cell phone. He doesn't say, I want to do
7 anything to those -- to those people who overheard me, to
8 those, quote/unquote, rats. He's talking about something else.

9 So I would submit that this is not clear evidence of a
10 hit.

11 Thank you.

12 **THE COURT:** Okay. All right. Thank you.

13 Well, I'm deferring ruling on that particular
14 paragraph and whether any of it should come in about reputation
15 and people who overheard him on a cell phone, but I will
16 otherwise permit the Government to use in opening and to
17 introduce at an appropriate time the contents of the letter,
18 which I think can -- certainly one can make an argument either
19 way. That's what the jury is for. But I think there is at
20 least a reasonable interpretation that Mr. Bailey is requesting
21 that a potential cooperating witness be killed.

22 I think this is intrinsic to the conspiracy. A
23 conspiracy certainly can continue while people are locked up
24 after they've been detained on the basis of the charges. As
25 the Fourth Circuit has said, it's evidence of consciousness of

1 guilt. It can be an attempt to avoid conviction for the crimes
2 that one is charged with. And as far as 403, I don't think it
3 is unfairly prejudicial.

4 Unfortunately, that's what this case is about. There
5 are allegations of murders, witness tampering, and witness
6 retaliation.

7 This is of the same quality. It is not something
8 glaringly different from what the other evidence is that's
9 going to be presented.

10 As I said, I think it's arguable but clear enough that
11 a reasonable interpretation of this would be attempting to at
12 least tamper with and possibly eliminate a potential witness
13 against not only Mr. Bailey but other members of the
14 conspiracy.

15 So that's my ruling on that portion of the letter.

16 All right. We'll adjourn long enough to, I guess, get
17 everybody here and make sure the jury is here. I'm going to
18 have some preliminary instructions, and then we'll move into
19 openings.

20 (Recess taken.)

21 **THE COURT:** All right. I had hoped after all this
22 delay that we were about to call in the jury, but I understand
23 there is an issue.

24 Mr. Sardelli.

25 **MR. SARDELLI:** Yes, Your Honor.

1 I think there were some other co-defense counsel as
2 well, Your Honor. But I do object to the slides, Your Honor.
3 I basically object to those on two points, Your Honor.

4 **THE COURT:** Which slides?

5 **MR. SARDELLI:** They're going to be opening PowerPoint
6 slides is my understanding. They were sent to us this morning.
7 I think it was like 7 o'clock or something this morning,
8 Your Honor.

9 **THE COURT:** Okay.

10 **MR. SARDELLI:** I've just had a brief chance to review
11 them. My objections are, one, on the late notice of them,
12 Your Honor, because I haven't had a chance to properly review
13 them.

14 And, number two, there are a bunch of exhibits in
15 there that haven't been admitted into evidence that I would
16 have no problem at closing arguments when they've been properly
17 admitted.

18 But obviously talking about these things before
19 they're admitted -- they could come in Your Honor. They may
20 come in. But that's obviously, I would argue, improper until
21 they actually come in.

22 **THE COURT:** Sure. And I just heard argument on that
23 on a specific issue this morning. What exhibit is there
24 against which you have filed a motion in limine?

25 **MR. SARDELLI:** Specifically for a motion in limine,

1 Your Honor? I don't believe there is one that I specifically
2 filed a motion in limine against so far, Your Honor.

3 I would obviously want to -- there's the motion in
4 limine issue, Your Honor, but it's obviously when they're
5 trying to put the exhibit into evidence during the trial,
6 Your Honor. Opening is usually: The facts and evidence will
7 show you the following.

8 Well, they're jumping that and actually putting the
9 exhibit into evidence. It doesn't give me a chance when
10 they're trying to properly authenticate and introduce the
11 exhibit to file my objections at that point. And the Court may
12 overrule me and they come in. That's why in closing, no
13 problem. But for the opening, I think it is a problem.

14 **THE COURT:** Okay. I'm going to overrule that as a
15 blanket objection. It is fairly common for counsel -- and it
16 can be done on both sides -- to show what they believe will be
17 admissible as an exhibit to the jury.

18 They, of course, take the risk that it would not be
19 admitted down the road and could be subject to a motion to
20 strike or some other kind of remedy, but it's not being
21 admitted. It is being shown by counsel because they believe it
22 will come in.

23 Again, if there is something that there has been the
24 specific subject of a motion in limine, then I would not expect
25 the Government to show that without its being discussed.

1 But simply the fact that they intend to use a
2 PowerPoint, which is pretty common, I don't think gives you the
3 basis for an objection.

4 **MR. SARDELLI:** Your Honor, you're putting me on the
5 spot. Honestly, I don't think that's the case, Your Honor. I
6 mean, I don't think they are the subjects of motions in limine.

7 I haven't had a chance to really go back and explore
8 the motions I've filed and everything else and say, Does it
9 touch on anything as well, Your Honor. I'll be honest with
10 you. At this point I don't think it's the case, Your Honor.
11 But I honestly haven't had a chance to really delve through it,
12 Your Honor, and compare it to the motions that have been filed
13 previously.

14 **THE COURT:** All right. Your objection is noted. I am
15 not going to require that the -- again, on the assumption that
16 the exhibits that the Government's putting into its slide deck
17 are exhibits that they have provided notice of, have reason to
18 believe will be admissible, I'm overruling your objection.

19 **MR. SARDELLI:** Yes, Your Honor. And a separate note,
20 Your Honor, I have a bad cold. Is it okay if I keep a bottle
21 of water at the podium during my opening just because of my
22 cold?

23 **THE COURT:** A bottle of water at the podium during
24 your opening, absolutely fine.

25 **MR. SARDELLI:** Thank you, Your Honor.

1 **THE COURT:** Sure. Let's get the jury.

2 **MR. HAZLEHURST:** Your Honor, I would like to note the
3 same objection on behalf of Mr. Davis. I understand the
4 Court's ruling. There are four photos of Mr. Davis that will
5 be presented in the Government's opening. And, again, I would
6 submit on the record Mr. Sardelli made.

7 **THE COURT:** Sure.

8 **MS. AMATO:** And, Your Honor, on behalf of
9 Mr. Corloyd Anderson, I note the same objection. I also note
10 the timeliness, Your Honor.

11 In the future, if the Government is going to use a
12 PowerPoint, at this point in terms of their closing, I'd ask
13 that we be shown -- provided that PowerPoint at least 48 hours
14 in advance so I can really take a look at it and see if I have
15 any objections.

16 **THE COURT:** Okay. We'll note that.

17 **MR. TRAINOR:** Your Honor, on behalf of Mr. Lockley, he
18 joins the objections.

19 **THE COURT:** All right.

20 **MS. WHALEN:** Really sort of as a matter of procedure,
21 would the Court allow for an objection, if one attorney
22 objects, that the others are entitled to, obviously if it
23 applies to their client, to join in?

24 **THE COURT:** I think that would save a lot of time,
25 Ms. Whalen.

1 **MR. DAVIS:** I was just going to make that motion,
2 Your Honor.

3 **THE COURT:** If it's something of this nature that
4 would be applicable to everyone, again, if there's anything
5 specific you want me to focus on for a particular client, you'd
6 have to tell me that. But if it's just a general objection on
7 behalf of everyone, then I'll assume it's being made on
8 everyone -- for everyone.

9 **MR. HAZLEHURST:** Your Honor, I apologize. One last
10 thing. Mr. Davis has asked me to inquire of the Court as to
11 why he in particular is shackled, and I've given him an
12 explanation. I'm not sure he's satisfied with my explanation,
13 but I am presenting that to the Court.

14 **THE COURT:** It is a security measure that I believe
15 necessary, in consultation with the marshals, for a number of
16 reasons, including the charges and the evidence that is
17 expected to be offered and the demands of controlling safety
18 and security for all persons in the courtroom.

19 Ms. Hoffman, are you standing for a reason?

20 **MS. HOFFMAN:** No. Just that I'm ready to give opening
21 whenever Your Honor --

22 **THE COURT:** Okay. I'm going to do preliminary
23 instructions first.

24 Let's get the jury in.

25 **MS. HOFFMAN:** I'm sorry about that.

~~OPENING INSTRUCTIONS~~

1 **THE COURT:** And to be clear, I think Ms. Moyé has
2 indicated this, but in regard to the security precautions, the
3 black cloth obviously in front of the table, that's why I'm
4 suggesting -- I'm directing that nobody stand when people --
5 obviously, if you're coming up to the podium, that's fine.

6 But as a general matter, when the jury comes in or
7 when I come in, just don't stand.

8 (Pause.)

9 (Jury entered the courtroom at 10:58 a.m.)

10 **THE COURT:** Is everybody here?

11 **THE CLERK:** Okay. We're good.

12 **THE COURT:** Okay. All right. We'll get everybody
13 straight in their right seats.

14 Welcome back, ladies and gentlemen. I apologize for
15 the delay, but we are about to get started. And the first
16 thing that I need to do is to give you some -- excuse me.

17 The first thing Ms. Moyé needs to do is to swear you
18 in, and then I will give you some preliminary jury
19 instructions.

20 **THE CLERK:** Members of the jury panel selected in the
21 present case, please stand and raise your right hand.

22 (Jury duly sworn/affirmed.)

23 **THE CLERK:** Thank you. You may be seated.

24 Jury's sworn.

25 **THE COURT:** All right. Thank you.

- OPENING INSTRUCTIONS -

1 All right. Ladies and gentlemen, before we get
2 started with opening statements and evidence, I want to give
3 you some preliminary instructions about the case.

4 I will be giving you much longer instructions at the
5 end of the case. And at the end of the case, they'll be in
6 writing so you'll have copies to take back in the jury room
7 with you.

8 Also, I will tell you that if I say anything different
9 in the final instructions from what you hear me say now, the
10 final instructions are what will control.

11 But let me talk a little bit about your
12 responsibilities in this case.

13 First of all, it's going to be your duty to decide, to
14 find, based on the evidence, what the facts in this case are.
15 You and you alone are the judges of the facts.

16 You do have to apply the law as I give it to you. You
17 have to follow the law whether you agree with it or not, but
18 deciding the facts is entirely up to you. And nothing that I
19 may say or do during the course of the trial is intended to
20 indicate -- and you shouldn't take it that way -- as any -- no
21 opinion of mine about what your verdict ought to be. That's
22 entirely up to you.

23 The evidence that you're going to have to decide the
24 facts is going to be the testimony of witnesses. People are
25 sworn in, testify to you under oath from the witness stand.

~~OPENING INSTRUCTIONS~~

1 There will be documents. There may be photographs,
2 other items that are admitted into evidence, into the record as
3 what we call exhibits.

4 And there may be some facts that the parties agree to
5 or stipulate to. Stipulations, agreed facts, that is evidence,
6 and you may consider that.

7 There are certain things that are not evidence that
8 you must not consider. That includes statements and arguments
9 and questions by the lawyers, as well as objections to
10 questions.

11 Now, the lawyers have an obligation to their clients
12 to make an objection if they think some item of evidence that's
13 being offered is not proper under the Rules of Evidence.

14 You shouldn't be influenced by an objection or by my
15 ruling on it. That's just a question of law.

16 So if I sustain an objection to a question, just
17 ignore the question.

18 If I overrule it, treat the answer like any other
19 piece of evidence that comes in.

20 If I instruct you that some item of evidence is being
21 admitted, should be considered for a limited purpose, a
22 specific purpose only, obviously please follow that
23 instruction.

24 And if there's anything that I tell you to strike or
25 exclude or that must be disregarded, then that's not evidence,

- OPENING INSTRUCTIONS -

1 and it must be disregarded.

2 Also, anything that you may have seen or heard or may
3 see or hear outside the courtroom, it's not evidence. It must
4 be disregarded. As I probably made too clear yesterday, you
5 must decide the case just based on the evidence presented here
6 in the courtroom and the law.

7 Now, another way to look at the evidence is to say it
8 can be direct or circumstantial.

9 So by direct evidence, we mean direct proof of a fact,
10 like the testimony of an eyewitness, someone who's present at
11 an event and comes in and tells you what they saw or heard.

12 By circumstantial evidence, we mean you've got proof
13 of certain facts; and then based on those facts, you may
14 decide -- you may infer or conclude that other facts exist.

15 And I'm just going to give you a simple example, which
16 is: You go off to work in the morning. It's a bright, sunny
17 day. You happen to work in an office where there's no windows.
18 A couple of hours later, one of your co-workers comes in
19 folding up a dripping wet umbrella, taking off a dripping-wet
20 raincoat.

21 Well, you didn't see outside. You couldn't because
22 you didn't have windows. But based on what you did see, you
23 might reasonably conclude that it had been raining outside.
24 That's what we mean by circumstantial evidence. You may
25 decide, based on certain facts, that other facts exist based on

~~OPENING INSTRUCTIONS~~

1 your reason and common sense.

2 You may consider both direct and circumstantial
3 evidence in making your decision in this case.

4 It's also going to be up to you to decide which
5 witnesses to believe, which witnesses not to believe, or how
6 much of any particular witness's testimony to accept or reject.
7 And I'll give you some additional guidelines on witness
8 credibility at the end of the case, but essentially it's a
9 matter of paying attention, using your common sense.

10 Also regarding witnesses, I'll tell you that
11 ordinarily they are not permitted to testify to their opinions
12 as opposed to what they saw or heard.

13 We make an exception for that from time to time for a
14 witness who has particular experience or education or training
15 in a particular field, and they may be able to give you
16 opinions. Something like an analysis of a substance, as to
17 whether it is or is not a particular drug, for example, a
18 chemist might testify about that.

19 And people in that circumstance may be permitted to
20 give you opinion testimony if it would be helpful for you to
21 decide the facts in this case.

22 Again, you do not have to accept any expert's opinion,
23 even if it's uncontradicted. You should consider it. You
24 should consider the reasons that are given, the experience and
25 training of the expert, but it's up to you to decide how much

~~OPENING INSTRUCTIONS~~

1 weight, if any, to give an expert's testimony.

2 As you know, this is a criminal case. I advised you
3 during voir dire that there are certain basic rules about a
4 criminal case that you must keep in mind. Let me repeat some
5 of that.

6 First of all, a defendant -- all defendants are
7 presumed innocent unless and until they've been proved guilty
8 beyond a reasonable doubt.

9 So the indictment, the set of charges that is brought
10 by the Government against the defendants, it's only an
11 accusation. Nothing more. It's not evidence. It's not proof
12 of guilt or anything else. The defendants start out with a
13 clean slate and a presumption of innocence.

14 The burden of proof is on the Government throughout
15 the case.

16 A defendant has no burden to prove his or her
17 innocence or to present any evidence or to testify. And
18 because the defendants have that right to remain silent, if
19 that is their choice, you may not consider that in any way at
20 the end of the case when you arrive at your verdict.

21 The Government must prove the defendants' guilt beyond
22 a reasonable doubt. Again, I'll give you some further
23 instructions at the end of the case that is higher than the
24 standard of proof in a civil case.

25 And, finally, as you can see, there are a number of

~~OPENING INSTRUCTIONS~~

1 separate defendants. You will hear that there are separate
2 charges. Again, when at the end of the case you are deciding
3 upon your verdict, you must consider each defendant and each
4 count or each charge separately.

5 All right. I'm going to give you some brief
6 instructions on the specific charges in this case. You may
7 hear more about that from counsel as well. And, again, I will
8 give you the longer, written instructions that control at the
9 end of the case.

10 But in this case Count 1, the first count of the
11 indictment, charges the defendants with conspiracy to violate
12 something called the Racketeer Influenced and Corrupt
13 Organizations Act, the RICO Act. This means the defendants
14 have been charged with a conspiracy, which is an agreement to
15 do something illegal. So they've been charged with a
16 conspiracy to conduct or participate in the affairs of an
17 enterprise through a pattern of racketeering activity.

18 Briefly, in order to prove that charge, the Government
19 would have to establish beyond a reasonable doubt several
20 things:

21 First, that there was an agreement among at least two
22 people to participate in an enterprise that would affect
23 interstate commerce through a pattern of racketeering activity.

24 Second, they would have to show as to the particular
25 defendant you're considering that that defendant knowingly and

~~OPENING INSTRUCTIONS~~

1 willfully became a member of that agreement.

2 And, third, that the defendant or another member of
3 the conspiracy agreed to commit to racketeering acts.

4 Again, a conspiracy is an agreement among at least two
5 people to achieve an unlawful object.

6 An enterprise for purposes of this case includes a
7 group of people who have associated together for a common
8 purpose, engaging in a course of conduct over a period of time.

9 You will hear that the Government has charged in this
10 case that the organization they allege existed, known as
11 Murdaland Mafia Piru, including its leadership, members, and
12 associates, constitutes the enterprise.

13 The Government will have to prove that this existed,
14 that this was a group of people characterized by a common
15 purpose, an ongoing formal or informal organization, and by
16 personnel who function as a continuing unit.

17 I mentioned a pattern of racketeering activity. There
18 have -- the Government has to prove, again, beyond a reasonable
19 doubt the commission of two racketeering acts.

20 Racketeering acts, as charged -- and you'll hear,
21 there are a number of different ones, including murder,
22 including robbery, including various drug offenses,
23 money laundering, witness tampering, witness retaliation. The
24 Government has to prove these to prove that there are two acts
25 that are a pattern of racketeering activity. The Government

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1 has to prove these acts are related to each other and that they
2 pose a threat of continued criminal activity as compared to two
3 unrelated acts.

4 Count 2 is a conspiracy to distribute and possess with
5 intent to distribute controlled substances, drugs, narcotics.

6 There are two essential things the Government has to
7 prove as far as Count 2.

8 Again, first of all, that there were two or more
9 people that entered into an unlawful agreement with the purpose
10 for this unlawful agreement of possessing with the intent to
11 distribute and distribution of controlled substances. And,
12 again, that as to the particular defendant you're considering,
13 that person knowingly and willfully became a member of that
14 conspiracy with that purpose.

15 Count 3 of the indictment charges one of the
16 defendants, Mr. Dante Bailey, with what is called murder in aid
17 of racketeering.

18 In order to prove that charge, the Government has to
19 establish beyond a reasonable doubt five things.

20 First, that an enterprise affecting interstate
21 commerce existed.

22 Second, that the enterprise was engaged in
23 racketeering activity.

24 Third, that the defendant had or was seeking a
25 position in the enterprise.

~~OPENING INSTRUCTIONS~~

1 Fourth, that the defendant conspired to commit the
2 alleged murder.

3 And, fifth, that the defendant's general purpose in
4 committing or conspiring to commit murder was to maintain or
5 increase his position in the enterprise. That is Count 3.

6 There are also -- and I'm not going to go through all
7 the numbers of the charges at the moment, but there are some
8 specific counts against various of the defendants that
9 essentially charge unlawful possession of a firearm.

10 For those charges, unlawful possession of a firearm,
11 the Government has to prove beyond a reasonable doubt, first,
12 that the defendant you're considering was convicted in any
13 court of a crime punishable by imprisonment for a term of more
14 than one year.

15 Second, that on the date charged in the indictment, or
16 close to it, the defendant knowingly possessed the firearm or
17 ammunition as charged.

18 And, third, that the possession was in or affecting
19 interstate or foreign commerce.

20 There are also a number of counts that charge specific
21 defendants with specific instances of distribution or
22 possession with intent to distribute a controlled substance.
23 This is -- on those specific counts for possession with intent
24 to distribute, the Government has to prove beyond a reasonable
25 doubt that on or close to the date charged, the defendant

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1 possessed narcotic drugs, and there will be a specific one
2 charged. It might be heroin. Might be cocaine. There are
3 different narcotic drugs.

4 Second, that the defendant knew he possessed narcotic
5 drugs.

6 And, third, that he possessed them with the intent to
7 distribute them.

8 If it is a charge of distribution, the Government must
9 prove beyond a reasonable doubt that the defendant you're
10 considering, in fact, distributed narcotics, narcotic drugs, on
11 the particular date and that he did so knowingly.

12 And, finally, there will also be a charge, I believe,
13 as to one defendant for possession of a firearm in furtherance
14 of a drug-trafficking crime.

15 In that regard, the Government would have to prove,
16 first of all, that the defendant had committed a
17 drug-trafficking crime for which he might be prosecuted in a
18 court of the United States.

19 And, second, that he knowingly possessed a firearm in
20 furtherance of that drug-trafficking crime.

21 Again, that is a brief outline, not a full statement
22 of every aspect of the case that you will consider when you
23 have the final instructions at the end, but I wanted to give
24 you an idea of what the charges are going to be.

25 Counsel on both sides may also address that with you.

~~OPENING INSTRUCTIONS~~

1 Ultimately, at the end of the case, the instructions
2 that I give you on the law are what will control.

3 Going back briefly to your conduct as jurors, as I
4 think I told you yesterday, you have to decide the case based
5 on the evidence here in the courtroom, and it will just be a
6 repeating theme that you may not conduct any independent
7 research on this case. You shouldn't consult any kind of
8 reference materials, search the Internet, go on any Web sites,
9 blogs, Facebook, anything to either talk about or to research
10 this case. You just must not do that. Until you go out to
11 deliberate for the reasons I've told you, you just shouldn't
12 discuss the case with anyone, even your fellow jurors. Keep an
13 open mind. Wait until the end.

14 Don't form any opinion. Don't make up your mind until
15 all the evidence is in.

16 If you want to take notes during the course of the
17 trial, you're welcome to do that. I believe you've been
18 provided paper and so forth.

19 Obviously, it's also important to pay attention to
20 what the witness is saying.

21 If some of you take notes and some of you don't, the
22 notes do not control. When you're deliberating, everybody's
23 individual recollection is to be considered. And if you do
24 take notes, don't take them out of here. They need to stay in
25 the jury room or wherever Ms. Moyé tells you to leave them.

~~OPENING INSTRUCTIONS~~

1 But don't take them out of here with you.

2 I think you will find that the lawyers do a very
3 thorough job of asking questions; however, as you are sitting
4 there, if you have a question in your mind that is important to
5 you that is not being answered, don't discuss it with your
6 fellow jurors, but write it down on a piece of paper. Get my
7 attention, Ms. Moyé's attention, and I will discuss it with
8 counsel. And if it's a question that we can answer, that we
9 can have a witness answer, we will do that.

10 I should also tell you that while we have an excellent
11 court reporter here, we don't have instantaneous transcript.
12 Please don't count on the fact that I would be able to just
13 have everything read back to you at the end of the case. So,
14 again, it's important to pay attention, take notes if you want
15 to.

16 And finally, I should tell you we've put you in the
17 jury box sort of in the order you were on our list.

18 One of the first things that I will ask you to do at
19 the end of the case is to choose someone to be your foreperson.
20 You can elect a foreperson.

21 The foreperson doesn't get any extra vote. We just
22 need someone to be your spokesperson in court and to preside
23 over your deliberations.

24 But that's a decision you can make later on down the
25 road.

~~OPENING INSTRUCTIONS~~

Okay. So we will begin in just a minute.

What comes first are what's called opening statements. The Government goes first. An opening statement is not evidence. It's not argument. It's just an outline that counsel may want to give you to help you understand the evidence as it comes in.

After the Government, defense counsel, again, have the opportunity to make an opening statement if they choose to. They don't have to. They may choose not to, or they may choose to reserve it. It's up to them. Same rule applies, of course. It's not evidence. It's not an argument if they do make a statement.

The Government will go forward to present witnesses. Defense counsel have the right to cross-examine those witnesses, ask their own questions.

At the end of the Government's evidence, as you know, the defendants have the right, if they choose, to call witnesses or present testimony. That's up to them.

And then there will be an opportunity for closing arguments at the end of the case by counsel where they can summarize what they think the evidence has shown.

I'll be giving you final instructions on the law, and at that point you will retire to deliberate on your verdict.

I told you the general schedule yesterday. Unfortunately, there are delays from time to time for various

1 reasons.

2 I'm generally counting on a 10:00 to 5:00 day with
3 reasonable recesses. Today is one of those 5 o'clock days. I
4 know you were here late yesterday.

5 I've told you that there were -- there might
6 occasionally be a time that I would be asking you to stay late,
7 although not later than 6:00.

8 And so I need to tell you that this particular week,
9 Wednesday and Thursday may be two of those days where I would
10 ask you to stay until 6 o'clock.

11 So with that, counsel, the Government will go first,
12 opening statement.

13 **MS. HOFFMAN:** Thank you.

14 **THE CLERK:** Ms. Hoffman, microphone.

15 **MS. HOFFMAN:** "My blood is my honor. My honor is my
16 blood. If I ever dishonor, take my blood."

17 What you just heard is the oath of
18 Murdaland Mafia Piru, or MMP for short, a violent subset of the
19 Bloods gang that for many years dominated the drug trade in
20 large parts of Baltimore.

21 In the words of the gang's leader, Dante Bailey, who
22 is sitting here behind me (indicating), the name alone said a
23 lot.

24 During the course of this trial, you're going to learn
25 about how Murdaland Mafia Piru earned its name. You're going

1 to hear about over a dozen murders, attempted murders, and
2 conspiracies to commit murder, all carried out in furtherance
3 of the gang.

4 You'll hear about violence to retaliate against rivals
5 and assert the gang's dominance, violence carried out to impose
6 discipline in the gang, and the violence carried out to
7 eliminate potential witnesses and prevent successful
8 prosecution by law enforcement.

9 You'll even hear about plots to murder the very
10 witnesses who you'll hear testify in this case.

11 Also, as the name suggests, MMP borrowed a lot of
12 terminology and ideas from the old Italian mafia.

13 For instance, MMP's oath that you just heard a minute
14 ago is called the Omertà code. In the Italian mafia, Omertà
15 meant silence. MMP's rank structure also took after the
16 mafias, with a Don at the top, also referred to sometimes as a
17 godfather, and various bosses, underbosses, capos, lieutenants,
18 and soldiers, sometimes referred to as mobsters, underneath.

19 One of the bosses of the gang was known as Gambino.

20 So, yes, Murdaland Mafia Piru lived up to its name.
21 It was murderous, and it was organized.

22 The six defendants sitting behind me, Dante Bailey,
23 Randy Banks, Jamal Lockley, Corloyd Anderson, Shakeen Davis,
24 and Sydni Frazier, are members and associates of MMP who
25 conspired to participate in the gang's activity through a

1 pattern of racketeering activity that included murder, robbery,
2 extortion, witness tampering, witness retaliation, drug
3 trafficking, and money laundering.

4 Through these activities, the defendants terrorized
5 neighborhoods in Baltimore. Sometimes their bullets hit their
6 intended targets, and sometimes the victims were unfortunate
7 citizens of Baltimore who were simply in the wrong place at the
8 wrong time.

9 By intimidating and retaliating against witnesses, the
10 defendants created a culture of fear and contempt for the rule
11 of law, all with the goal of never ending up here in a court of
12 law facing a jury of citizens like you.

13 I'm going to talk more about the defendants and the
14 charges they're facing in a few minutes. But, first, I want to
15 back up and talk a bit about MMP, what it is, and how it got
16 started.

17 As I mentioned, MMP is a subset of the Bloods gang.
18 It's also sometimes referred to as the mob or the mobsters.

19 Its main territories were in Northwest Baltimore, the
20 area surrounding Windsor Mill and Forest Park and the area
21 surrounding Gwynn Oak and Liberty Heights.

22 But it also had offshoots in the Laurretta and Warwick
23 area, the 27th and Boone Street area, and even in other cities,
24 such as DC.

25 The leader of MMP is Dante Bailey, also known as

1 Gutta. Bailey was responsible for writing and disseminating
2 many of MMP's founding documents about a decade ago.

3 In 2012, he flew to California to meet with West Coast
4 Bloods leaders and gain their official approval for the MMP set
5 in Maryland.

6 As I mentioned, MMP is organized hierarchically. We
7 talked about the rank structure. Bailey is the Don or
8 "The Godfather" at the top.

9 The Defendant Randy Banks, also known as Dirt, was a
10 boss in MMP's Gwynn Oak and Liberty Heights territory.

11 The Defendant Corloyd Anderson, also known as Bo, was
12 a boss in MMP's Windsor Mill and Forest Park territory.

13 There were other bosses who aren't seated here behind
14 me but who you'll hear about during trial.

15 There was Dontray Johnson, also known as Gambino or
16 Bino, who was a boss of MMP's territory at 27th and Boone in
17 East Baltimore.

18 Davon Temple, also known as Nizzy, was the boss of
19 MMP's territory at Laretta and Warwick.

20 Adrian Jamal Spence, also known as Spittle or SP, was
21 another boss in the Windsor Mill and Forest Park area.

22 And Ayinde Deleon, also known as Murda, was another
23 boss in Gwynn Oak and Liberty Heights territory, along with the
24 Defendant Banks.

25 MMP gang paperwork explains that some MMP members have

1 specialized functions, such as training soldiers to defend our
2 family or collecting the dues money from all the soldiers.

3 In practice, these specialized functions were not that
4 rigid. Most members engaged in many different forms of
5 criminal activity in furtherance of the gang.

6 You'll learn that MMP members were required to learn
7 and follow certain rules of conduct.

8 Members who violated the rules or who disobeyed an
9 order from a superior were subjected to disciplinary measures
10 that ranged from fines to physical beatings to murder.

11 Some of MMP's rules include, quote, Retaliation is a
12 must, unquote, and, quote, Whenever we are forced to strike,
13 our only option is to kill.

14 The most serious violation of MMP's rules, punishable
15 by death, is, quote, Any cooperation with authorities that
16 leads to incriminating others.

17 MMP members followed that Omertà code of silence.
18 They used derogatory terms to refer to people who cooperated
19 with law enforcement. They called them snitches or rats or
20 said that they were not right.

21 You'll hear a lot about the measures MMP took to
22 systematically silence witnesses to their criminal activity so
23 that they could continue to operate outside the rule of law.

24 Members enhanced their status within the gang by
25 putting in work or carrying out acts of violence.

1 For instance, they could earn a lightning bolt tattoo
2 for killing for the mob.

3 So how did MMP members make money? The main way was
4 through drug trafficking. You'll hear that they also committed
5 robberies and even the occasional burglary, but their bread and
6 butter was drugs.

7 MMP members operated street-level drug distribution
8 shops in their territories where they sold heroin, cocaine,
9 crack cocaine, Fentanyl, marijuana, Percocets, Molly. You name
10 it, they had it.

11 The Defendant Anderson supplied a lot of the heroin
12 that members of the gang sold.

13 The Defendant Banks supplied a lot of the cocaine and
14 crack cocaine.

15 The Defendants Shakeen Davis and Sydni Frazier were
16 more of your street-level hitters, meaning they primarily sold
17 at the retail level directly to customers.

18 Jamal Lockley was somewhere in the middle. He sold at
19 the retail level, but he also had street hitters who worked for
20 him.

21 MMP's most lucrative drug shops were at Windsor Mill
22 and Forest Park and at Gwynn Oak and Liberty Heights.

23 In the 5200 block of Windsor Mill Road, right where it
24 intersects with Forest Park Avenue, there is a BP gas station
25 that was considered to be MMP's headquarters.

1 MMP's drug shop in the 5200 block of Windsor Mill Road
2 had the ideal setup. It was very close to Interstate 70, which
3 made it easy to access for customers driving from
4 Western Maryland and neighboring states.

5 There was a near-constant flow of customer traffic at
6 this location, day in and day out.

7 It wasn't unusual for MMP members and associates to
8 sell a kilogram of drugs per week at this location, which could
9 translate to over \$100,000 in drug revenue.

10 MMP members who sold drugs in this area were sometimes
11 referred to as 5200 boys, a reference to the 5200 block of
12 Windsor Mill Road.

13 You're going to hear a lot about the BP gas station in
14 the 5200 block of Windsor Mill Road during this case, and
15 you're going to learn that the gang basically took control of
16 the business there. They stashed drugs and firearms on the
17 property. They made drug sales right at the pumps in broad
18 daylight.

19 Five of the murders and attempted murders you're going
20 to hear about took place right there.

21 You'll learn that MMP members were required to pay
22 dues to the gang, consisting of a portion of the proceeds of
23 their drug sales. And they were subject to reprisal and
24 sometimes murder for failing to do so.

25 Nonmembers who wanted to sell drugs in MMP's

1 territories were forced to pay a tax or they were targeted for
2 violence unless they had special approval from the gang's
3 leaders.

4 There were some 5200 boys who were nonmembers but were
5 considered to be part of the MMP team because they had grown up
6 in the area or were friends or had friends or relatives who
7 were in the gang.

8 The Defendants Jamal Lockley and Sydni Frazier fall in
9 that category. You'll hear that they essentially functioned as
10 part of MMP even though they didn't jump through the formal
11 hoops of membership like taking the oath.

12 You're going to learn a lot about MMP's symbols and
13 terminology. By the end of this trial, you'll be able to
14 recognize the different hand signs for MMP, the M and the 5 and
15 2 sign for the 5200 block of Windsor Mill Road.

16 You're going to learn their slogans for greeting one
17 another: "What's mobbing?" And for saying good-bye:
18 "Heartbeat" and "double time."

19 You're going to learn about code words that they used
20 for guns: Blicky, ratchet, or Jimmy Mack.

21 You're going to learn about their tattoos, the M for
22 taking the mafia oath and the lightning bolt for killing for
23 the gang.

24 So in summary, MMP makes money by selling drugs and by
25 extorting nonmembers who sell drugs in its territories, as well

1 as occasionally through robbery.

2 And MMP uses violence and threats of violence to
3 maintain its territories, eliminate rivals, preserve order
4 within the gang, and silence witnesses.

5 So where does the evidence in this case come from?
6 Well, it takes the concerted efforts of local, state, and
7 federal law enforcement to deal with such an entrenched
8 organization.

9 Without the resources of the federal government and
10 its ability to really protect witnesses, a lot of what you're
11 about to see and hear would never come to light.

12 Some of the evidence that you'll hear will be in the
13 form of intercepted wiretap calls. There were eight phone
14 lines intercepted in the summer of 2015 and another three phone
15 lines intercepted in the summer of 2016.

16 Some of the evidence comes in the form of jail calls.
17 MMP members sometimes got arrested, but just -- but they did
18 not withdraw from the conspiracy or stop committing crimes just
19 because they were behind bars.

20 In fact, one of the benefits of membership in MMP was
21 that if you did get arrested, your brothers in the gang were
22 supposed to help you out while you were in jail. They might do
23 this by sending you money or helping to smuggle drugs into the
24 jail for you or helping dispose of evidence or even witnesses.

25 Incarcerated MMP members use jail phones to stay in

1 touch with MMP members on the streets. Each and every one of
2 the defendants sitting here behind me was intercepted in wire
3 calls and/or jail calls about gang -- talking about gang and
4 drug activity.

5 Many of the defendants had cell phones that were
6 seized by law enforcement during this investigation. You're
7 going to see a lot of incriminating text messages, call logs,
8 photos, and videos from the defendants' cell phones.

9 You'll hear about search warrants that were executed
10 on the defendants' residences and vehicles. And you'll see
11 firearms, drugs, drug paraphernalia, and MMP gang paperwork
12 seized from a bunch of different locations.

13 The defendants also left a trail of evidence on
14 Facebook, Instagram, and YouTube. You're going to see photos,
15 videos, and comments posted to these social media sites in
16 which the defendants identified themselves as members of MMP,
17 discussed gang business, flaunted firearms, and boasted about
18 killing those who stood in the way of the gang.

19 You're also going to hear about ballistic evidence and
20 DNA evidence linking the defendants to murders.

21 These are just some of the types of evidence that
22 you'll be shown.

23 All right. So let's talk about the six defendants.
24 All of them had street names, and you're going to hear them
25 referred to by their street names as much or more than by their

1 legal names.

2 We've talked about Dante Bailey already. He was the
3 founder and undisputed -- he was the founder and undisputed
4 authority figure of MMP. He was known as Gutta or Almighty.
5 And in the gang paperwork, he was referred to as Wolf or
6 Werewolf. Sometimes people referred to him as Big Man or
7 Big Homie.

8 There's not going to be much question in your minds
9 that Bailey was a member of MMP. He's a walking billboard for
10 the gang. He has tattoos of "Murdaland" and "Mafia" on his
11 body that you'll see. He has the lightning bolts on his face.
12 And you're going to hear a lot about MMP from Bailey in his own
13 words.

14 For instance, you'll see him in a YouTube video with
15 the Defendant Jamal Lockley. Describing the crew at
16 Forest Park and Windsor Mill, Bailey says, quote, You get out
17 of line, you get run over. We got teams for money and murder.
18 Whatever you want to do.

19 You'll also read some of Bailey's writings describing
20 MMP. For instance, you'll see a letter that was recovered
21 during a search warrant at his residence in May of 2016 in
22 which he recounts the history of MMP and identifies its
23 territories.

24 He says, quote, The science behind being 25 percent
25 Piru, 75 percent MOB is a representation of our roots, which is

~~GOVERNMENT'S OPENING STATEMENT~~

1 Piru, and our blood line, which is mafia. M's come before all.
2 M1, P2, I will murder you for Piru.

3 You will hear Bailey in recorded jail calls barking
4 out orders to members of the gang.

5 For instance, in one call, he instructs an associate
6 to collect \$700 from members of the organization and give it to
7 his wife and co-conspirator, Tiffany Bailey, so that she can
8 pay for his bail.

9 In another call, he tells an incarcerated MMP member
10 to assault another inmate as retaliation for cooperating with
11 law enforcement.

12 You'll hear him say, quote, Punish that "N" word, yo.
13 Punish that "N" word. I got you. I'll send you a money order.
14 Destroy that "N" word, yo.

15 Bailey called the shots in MMP, but he also wasn't
16 afraid to get his own hands dirty. Not only did he order many
17 of the murders and attempted murders that you're going to hear
18 about in this trial; he also committed some of them with his
19 own hand.

20 For example, you're going to hear that in November of
21 2012, Bailey ordered the murder of an MMP member named
22 Antoine Ellis, who went by the unfortunate nickname Poopy.

23 Bailey decided Ellis had to die because Ellis
24 allegedly joined a different gang, the Black Guerilla Family,
25 or BGF, and was trying to play both sides.

~~GOVERNMENT'S OPENING STATEMENT~~

1 MMP boss Dontray Johnson, a/k/a Gambino, carried out
2 Bailey's orders.

3 On Thanksgiving Day of 2012, he walked Ellis to the
4 baseball field across the street from the BP gas station and
5 shot him to death.

6 Earlier that day Johnson had posted a comment to his
7 Facebook account that said, "198 and risin'," a reference to
8 that year's murder tally in Baltimore City, which he was about
9 to increase by one.

10 You'll also see Facebook comments that Johnson and
11 Bailey exchanged after the murder.

12 There were other members of MMP who suffered the same
13 fate as Ellis for showing disloyalty to the gang.

14 The evidence will show that in February 2015, Bailey
15 himself murdered MMP member James Edwards, also known as
16 Bangout. At least four witnesses will tell you about this
17 murder. The sum and substance of their testimony will be that
18 Bailey killed Bangout because Bangout was making threats
19 against members of the gang.

20 Bailey told one of these witnesses that he shot
21 Bangout in the head, and he knew Bangout was dead when he drew
22 a long sigh.

23 There will also be evidence of a ballistics connection
24 between the Bangout murder and an attempted murder by Bailey at
25 the BP gas station three nights earlier. You'll hear from a

1 ballistics expert who compared the cartridge casings from both
2 scenes.

3 And you'll see surveillance footage of the shooting at
4 the BP gas station.

5 You heard earlier that MMP members could be punished
6 or even killed for failing to pay gang dues. That's what
7 happened to Brian Johnson, also known as Nutty B, in September
8 of 2015.

9 The evidence will show that Dontray Johnson --
10 whoops -- this guy again, murdered Nutty B because he refused
11 to pay dues that Johnson was attempting to collect for Bailey.

12 Johnson executed Nutty B in broad daylight, outside
13 the convenience store attached to the BP gas station. The
14 whole thing was captured on surveillance footage, and you're
15 going to watch that footage.

16 Before the murder, you'll see Johnson interacting with
17 other members of MMP, including Melvin Lashley, who has an M
18 tattoo on his face, as well as the Defendant Sydni Frazier.

19 Then you'll see Johnson, Lashley, and others confront
20 the victim outside the store. And you'll watch as Johnson
21 pulls out a gun and shoots Nutty B through the chest at close
22 range, sending him flying backwards through the glass
23 storefront.

24 Just after the murder, Johnson visited Bailey at the
25 Baltimore County Detention Center and recounted what had

~~GOVERNMENT'S OPENING STATEMENT~~

1 happened. You're going to hear a recording of their
2 conversation. Bailey approved the murder, telling Johnson to
3 continue doing what he was doing to enforce the dues system.

4 In Bailey's words, quote, I told you about this. Blow
5 a fucking head off. Blow another "N" word's head off. I said
6 I'm through. Don't play with him. Make him scared.

7 Bailey also instructed Johnson to, quote, Holler at
8 Randy -- that's the Defendant Randy Banks -- and, quote, Tell
9 him we raising the fourth generation. We going at everybody.
10 We ain't fucking with nothing.

11 So now we come to the Defendant Randy Banks, who is
12 seated next to Bailey. Banks went by Dirt or sometimes Sand.
13 As I mentioned, he was a high-ranking member, a boss of MMP's
14 territory at Gwynn Oak and Liberty Heights.

15 There won't be much question about his membership in
16 MMP either. You'll see him in photographs with Dante Bailey
17 and others making the M sign for MMP and you'll even see
18 discussions of him in the MMP gang paperwork itself.

19 For instance, gang paperwork that was recovered by
20 law enforcement in 2012 explains, quote, The mob flourished in
21 West Baltimore within the Gwynn Oak area under the tutelage of
22 Dirt.

23 Gang paperwork that was recovered from Bailey's
24 residence in July of 2015 identifies Sand as the boss of
25 finance. Banks is also identified as the BOF, or boss of

1 finance, in a file from Bailey's iCloud account.

2 You'll learn that Banks was savvy and took precautions
3 so as not to be intercepted on phone calls.

4 For instance, you'll hear a jail call between two
5 other MMP members, Dominick Wedlock, also known as Rage, and
6 Maurice Braham, also known as Mookie, in which they talk about
7 how Dirt, quote, keeps switching his numbers.

8 So you won't hear many wire or jail calls involving
9 Banks, but you will hear calls between other members of MMP
10 talking about Banks and his role in the gang.

11 As you might guess from his title as the boss of
12 finance, Banks was in charge of the gang's finances. He wasn't
13 typically out on the street hitting drug sales, but he oversaw
14 the drug operation at Gwynn Oak and Liberty Heights.

15 You'll hear that he was associated with multiple
16 trap houses, houses where drugs were cooked up, packaged, and
17 sold.

18 You'll see photographs of Banks in one of his
19 trap houses, and you'll see drug paraphernalia -- sifters,
20 scales, et cetera -- on the table in front of him.

21 He made sure that MMP members had drugs to sell and
22 that the drug proceeds made their way back to him.

23 And he used those proceeds to finance the gang's
24 ongoing criminal activity.

25 For instance, you'll hear a jail call from

1 Dontray Johnson, Gambino, a few days after he killed Nutty B in
2 which he instructs a woman to go down to Gwynn Oak and collect
3 money from Dirt, Banks.

4 Johnson says, quote, Tell him I need 500 or 1,000 or
5 something to my lawyer.

6 Banks was the money man.

7 Banks' role wasn't limited to the financial side of
8 the operation, though. He did not shy away from violence
9 either.

10 A minute ago you heard about MMP member
11 Maurice Braham, a/k/a Mookie.

12 In April of 2016, Mookie was killed by a rival gang
13 member. The evidence will show that Banks was involved in
14 plots to commit retaliatory violence after Mookie's death.

15 You'll hear that after the murder, Banks confronted a
16 member of the rival gang, demanded to know who killed Mookie,
17 and told him that he and his crew would be dead by the end of
18 summer.

19 And you'll hear about some of the people who lost
20 their lives after Banks made that statement.

21 Banks was also present at the scene of an attempted
22 murder of Samartine Hill, also known as Snook, in October of
23 2012. You'll hear that Dante Bailey ordered a hit on Snook
24 based on a rumor that Snook was a snitch.

25 Another MMP member named William Banks, also known as

1 Trouble, carried out the hit on Bailey's orders.

2 Trouble unloaded a .45-caliber gun on Snook outside a
3 crowded nightclub in downtown Baltimore, called Club Mirage.

4 You're going to see high-definition surveillance
5 footage of the shooting. And you'll see the Defendant
6 Randy Banks arrive at Club Mirage with Bailey; the shooter,
7 Trouble; Dontray Johnson, Gambino; and other members of MMP.

8 Johnson, Gambino, was even wearing a red shirt that
9 said "Mob Squad" on the back.

10 The evidence will show that not only was Banks there
11 at the scene when Snook was shot; he was also in the loop.
12 Investigators later recovered gang paperwork from Bailey's
13 residence that included a screenplay-like narration of the
14 attempted murder.

15 And there's a scene where Nooks gets hit at
16 Club Mirage. And in that scene, Bailey and Randy Banks, the
17 defendant, see Nooks -- that's the victim, Hill -- standing in
18 line outside the club. And they say they're going to, quote,
19 shut this bitch down and make it look like 4th of July.

20 Now we come to the Defendant Jamal Lockley, who is
21 seated to the right of Banks.

22 Lockley went by T-Roy or Droid.

23 As I mentioned earlier, you'll hear that Lockley was
24 not an actual member of MMP, but he was a 5200 boy who
25 functioned as part of the gang.

1 You'll see him in photographs with Bailey and other
2 members of MMP who are making the M sign or the 5 and 2 sign
3 for 5200.

4 Lockley worked in concert with other MMP members to
5 sell drugs in MMP's territory at Windsor Mill and Forest Park.

6 He also helped Dante Bailey commit a retaliatory gang
7 murder. And he conspired with Bailey to kill a witness against
8 a gang, which I'm going to come back to a little later.

9 Lockley was intercepted in hundreds of wire calls
10 talking about drug trafficking and other gang business.

11 You'll hear him in calls from summer of 2015 arranging
12 to get supplies of heroin from MMP boss Adrian Jamal Spence,
13 also known as Spittle. You'll also hear him in calls with
14 Spence shortly after Dante Bailey got arrested asking Spence
15 whether he needed help paying for Bailey's bail.

16 You'll hear Lockley in calls from summer of 2016
17 arranging to get heroin supplies from the Defendant
18 Corloyd Anderson.

19 You'll also hear dozens and dozens of calls in which
20 Lockley talks very explicitly about drug sales with customers.

21 For instance, in a call in July of 2016, a drug
22 customer complains about the quality of the heroin that
23 Lockley's hitter sold him. The customer says, quote, Your boy
24 gave me what looks -- appears to be straight up gravel,
25 unquote.

1 Lockley angrily retorts, quote, That ain't no damned
2 gravel, man. It's what you need.

3 The customer backs down pretty quickly, saying, I
4 wasn't disrespecting you. No problem.

5 In another call from July of 2016, a heroin customer
6 tells Lockley, quote, Hey, that shit was good, man. Be
7 careful, though, 'cause my friend actually had to call an
8 ambulance.

9 Lockley asks, What color was it?

10 And the customer says, It was kind of brown.

11 You're going to hear from that heroin customer, and
12 you're also going to hear from the woman who overdosed from the
13 heroin Lockley sold.

14 Lockley's role was not limited to drug trafficking.
15 As I mentioned, he was also involved in a retaliatory gang
16 murder. You heard earlier that MMP member Maurice Braham, also
17 known as Mookie, was killed by a rival gang member in April of
18 2016.

19 You're going to hear that in the hours after the
20 murder, Lockley, Bailey, and William Banks, also known as
21 Trouble, all got in Lockley's car and drove around the rival
22 gang's neighborhood looking to retaliate.

23 Bailey saw a man walking down the street, hopped out
24 of the car, and shot the man in the head, killing him.

25 Lockley drove all of them to and from the scene.

1 It turned out that the victim, whose name was
2 Anthony Hornes, pictured here, had no connection whatsoever to
3 Mookie's murder. He posed absolutely no threat to anyone at
4 the time he was gunned down.

5 Hornes was killed because he was suspected, suspected
6 of being affiliated with the rival gang. That's how justice
7 works in MMP. You don't get a trial. You don't get a jury.
8 You get shot in the head and left to die.

9 Now we come to Corloyd Anderson, also known as Bo.

10 Anderson was also sometimes referred to as Fat Tony in
11 the gang paperwork.

12 Like Randy Banks, Anderson was a high-ranking member
13 of MMP. He was a boss in the Windsor Mill and Forest Park
14 area.

15 You'll see him in photographs with Bailey making the M
16 sign for MMP.

17 He's also identified as a boss in -- a boss of the
18 gang in a file that was recovered from Bailey's iCloud account.

19 Like Randy Banks, Anderson was a money-maker for the
20 gang. You'll hear that he supplied large volumes of heroin to
21 the MMP members and associates who sold drugs in the area of
22 the 5200 block of Windsor Mill Road and the BP gas station.

23 You'll hear that in February of 2014, a courier for
24 Anderson was stopped at BWI Airport as a result of a drug dog
25 sniff, and airport personnel seized a bag containing over

1 \$70,000 in cash.

2 Anderson showed up at the airport to claim the money,
3 and he alleged that he had won it gambling.

4 But the evidence will show that in reality, the money
5 was the proceeds of drug trafficking and it was intended for
6 Anderson's drug supplier.

7 Anderson merely gambled his drug proceeds at the
8 casino in an attempt to launder it.

9 Anderson was intercepted in wire calls discussing
10 MMP's drug business with Defendant Jamal Lockley in the summer
11 of 2016.

12 The calls will show that Anderson was supplying drugs
13 to Lockley on consignment, fronting them, and Lockley was
14 paying Anderson out of the proceeds.

15 For instance, you'll hear a call in which Anderson
16 complains that the money is short.

17 And Lockley assures him, quote, We've been giving you
18 everything every day.

19 Then he says, Let me try and get you another five
20 tomorrow.

21 Anderson was more cautious than Lockley, and there are
22 some humorous calls where he gets mad at Lockley for talking
23 recklessly on the phone.

24 For instance, in one call, Anderson again complains
25 that the money was a little off.

- GOVERNMENT'S OPENING STATEMENT -

1 Lockley says it couldn't have been off because he
2 counted it out and it was thirty-four fifty. He says, I took
3 50 out and gave it to Charlie.

4 And Anderson replies, quote, All right. Shut the
5 fuck. Goddamn, yo. Why you get so dumb over the thing?

6 You'll hear that Anderson, too, was connected to
7 violence carried out in furtherance of MMP.

8 A few minutes ago we talked about the murder of
9 Antoine Ellis with the unfortunate nickname Poopy.

10 You'll hear that Anderson was the source of the gun
11 that Andre Johnson used to kill Ellis, and he helped dispose of
12 the murder weapon afterward.

13 On September 27th of 2016, investigators executed a
14 search warrant at Anderson's house and recovered a loaded Glock
15 pistol from under his mattress.

16 And in a postarrest interview, Anderson admitted that
17 the gun was his, and he also admitted to dealing heroin.

18 Now we come to Shakeen Davis, who is seated behind the
19 other defendants. Davis went by Creams or Creams Dinero on the
20 street. Davis was a mobster and proud of it. Here he is in an
21 Instagram photo making the M sign. And he added the caption:
22 Murdaland Mafia Mob, the world is ours.

23 Here's his profile page [reading]: 5Deuce BOSS Death
24 Bk4 Dishonor OMERTa Code/52Hunnit F.A.M. [G] [M] [B]
25 410MurderLand.

1 So my question where they're talking about Omertà on
2 Instagram is consistent with the principle of Omertà, but there
3 you have it.

4 Davis dealt drugs, but he was a shooter too. He had a
5 special affinity for firearms and particularly AR-15s. You'll
6 hear that Davis used an AR-15 to commit an attempted murder in
7 furtherance of MMP in May of 2015. It started when MMP member
8 Brian Johnson, also known as Nutty B, got into an altercation
9 with a couple guys at the BP gas station who weren't from
10 around there.

11 In defense of his fellow gang member, Davis got in his
12 car, pulled up alongside the two guys in their car, pulled out
13 an AR-15, and started unloading on them in broad daylight in
14 the middle of traffic on Forest Park Avenue.

15 Luckily, the victims only suffered graze wounds and
16 cuts from broken glass. You'll see pictures of their car with
17 the windows shot out and pictures of their injuries.

18 You'll also hear a jail call from
19 Defendant Sydni Frazier to Davis not long after the incident in
20 which Davis says he repainted his car because he says, quote, I
21 did some dumb shit out of there. You feel me?

22 In April 2016, Davis was arrested by members of the
23 Baltimore County Police Department, and they recovered an AR-15
24 and a police-issue Glock pistol in the trunk of his car.

25 Believe it or not, this was a different AR-15 than the

1 one he used in the attempted murder.

2 Davis toted other guns besides AR-15s, though. You'll
3 hear that in September of 2012, he was arrested in the
4 Windsor Mill and Forest Park area with a loaded Smith & Wesson
5 .45-caliber gun.

6 In February 2016, he posted this photo of himself to
7 Instagram with a different gun. You'll hear that after the
8 indictment in this case, Davis was a fugitive for many months.
9 When he was finally arrested in February of 2017, he was
10 walking around Foot Locker in the mall with a loaded
11 .22-caliber pistol in his waistband and a bag of 25 grams of
12 crack cocaine and over \$1,300 in cash.

13 Investigators recovered several cell phones from
14 Davis, both when he was arrested in April 2016 and when he was
15 arrested in February of 2017.

16 And you're going to see pages and pages of
17 text messages from those phones in which Davis discusses drug
18 trafficking. You'll see texts in which customers ask for
19 specific quantities of boy and girl. You'll learn that those
20 are street terms for heroin and cocaine, respectively.

21 You'll see texts in which Davis advertises the potency
22 of the drugs he has for sale. He'll say, Got fire or I got a
23 bomb.

24 And you'll see a text from a customer who evidently
25 suffered the effects of that potency saying, quote, Ended up in

1 the hospital, but I'm better now. I'll send people your way if
2 they are looking.

3 You'll see that Davis' web search history included the
4 search for: How to make heroin rock solid.

5 Lastly we have the Defendant Sydni Frazier, seated
6 next to Shakeen Davis.

7 Frazier went by Syd or Jr. Boss on the street. With
8 drug customers, he called himself Perry.

9 Like Lockley, Frazier was a 5200 boy who was not an
10 actual member of MMP but worked in concert with MMP members to
11 sell drugs in the Windsor Mill and Forest Park territory.

12 Here he is in front of the graffiti on the side of the
13 BP gas station.

14 You'll see lots of pictures of Frazier with other MMP
15 members.

16 Here's an Instagram post, a screenshot of his Twitter,
17 Jr. Boss, where he says [reading]: I do it for da hood, whole
18 mob riding with me.

19 Frazier was particularly close with
20 Defendant Shakeen Davis. You'll hear a lot of jail calls
21 between the two of them and you'll see text messages between
22 the two of them.

23 In one call Davis greets Frazier with: What's
24 mobbing?

25 You'll hear that Frazier sold heroin and cocaine

1 around the BP gas station. In the summer of 2015, Dante Bailey
2 fronted about an ounce of cocaine to Frazier to sell, but
3 Bailey got locked up before Frazier could pay him back.

4 And you're going to hear jail calls in which Bailey
5 talks about trying to collect that drug debt from Frazier.

6 Frazier had an ardent hatred for snitches. And that
7 plays into the fifth murder we're going to talk about, the
8 August 2016 murder of Ricardo Johnson, also known as
9 Uncle Rick.

10 Uncle Rick was an "old head" who sold drugs in a
11 nearby area and allegedly had a lot of money. You'll hear that
12 Dante Bailey greenlit or approved Uncle Rick's murder because
13 he was rumored to be a snitch.

14 You'll also hear that a few days before the murder,
15 Frazier told a group of MMP members that included the
16 Defendant Shakeen Davis that he wanted to rob Uncle Rick. The
17 evidence will show that Frazier robbed and murdered Uncle Rick
18 to enrich himself and members of MMP, and he did it in a
19 grizzly fashion.

20 Uncle Rick's body was found in the backseat of a
21 stolen van by the side of the Light Rail tracks in Westport.
22 He'd been blindfolded, bound by the wrists and ankles, and shot
23 over 20 times.

24 Less than 12 hours after Uncle Rick's body was
25 discovered, Frazier fled from police officers who were trying

1 to stop him for riding an illegal dirt bike. In the course of
2 fleeing, he ditched a backpack and gloves that were recovered
3 by the police.

4 The backpack contained a jacket, two cell phones, and
5 the two murder weapons, a Smith & Wesson 9-millimeter-caliber
6 firearm and a Taurus 9-millimeter-caliber firearm.

7 The jacket and gloves were submitted for DNA testing.

8 You're going to hear from a DNA expert that the jacket
9 had Frazier's DNA on it, and that's not all.

10 The gloves had Frazier's DNA on the inside and the
11 victim's DNA on the outside.

12 You'll also see a lot of revealing text messages from
13 the cell phones Frazier abandoned.

14 For instance, a few days before the murder, Frazier
15 got a text message that said, quote, Get a box of rubber
16 gloves. We don't want to touch nothing.

17 Frazier also sent a text message to a phone number
18 associated with the Defendant Shakeen Davis that said, quote,
19 Grab three black Jimmy Macks, two including you.

20 And remember you'll hear that "Jimmy Mack" is a term
21 sometimes used for gun.

22 You're also going to hear a jail call from
23 Dante Bailey to Jamal Lockley about a week after the murder in
24 which they joked about what happened to Uncle Rick.

25 Bailey says, quote, I heard about your uncle. He was

1 trying to catch the Light Rail.

2 And you'll hear Lockley laugh in response.

3 This is just some but by no means all of the evidence
4 that you'll hear regarding the defendants and the crimes that
5 they committed in furtherance of MMP.

6 I want to talk briefly about the witnesses in this
7 case. You're going to hear from at least 50 witnesses --
8 that's a conservative estimate -- who fall into a lot of
9 different categories.

10 You'll hear from members of the community, victims of
11 the defendants' crime -- crimes, law enforcement officers who
12 responded to murders and shootings, and experts who examined
13 ballistics, DNA, and other evidence.

14 You'll hear from a 5200 boy whose brother was in the
15 gang.

16 You'll hear from someone who laundered money for the
17 gang.

18 You'll hear from a member of a rival gang in the
19 Gwynn Oak and Liberty Heights territory who had violent
20 altercations with MMP.

21 You're going to hear from an actual member of MMP,
22 someone who for a long time lived that lifestyle and, in fact,
23 committed really terrible crimes in furtherance of the gang.

24 You heard his name earlier, William Banks, also known
25 as Trouble.

1 Banks started out as a confidential informant who was
2 assisting the investigation. But in the midst of the
3 investigation, law enforcement officers discovered that Banks
4 had lied about the attempted murder of Samartine Hill, also
5 known as Snook, that you heard about earlier.

6 Banks had blamed it on a confederate in the gang when,
7 in fact, he did it himself at Bailey's direction.

8 So what did investigators do? Well, they arrested
9 Trouble. They executed a search warrant at his house. And he
10 was indicted along with the other defendants.

11 Now he has entered a guilty plea, and he will be
12 testifying in the hope of getting some leniency in his
13 sentence.

14 He will give you an insider's perspective of what MMP
15 was and how it functioned, because he was right there with the
16 defendants committing crimes with them.

17 Given how much Trouble knows, it may not be surprising
18 to you to learn that the other defendants sitting here have
19 plotted to kill Trouble before he can take the stand.

20 For instance, you'll hear a jail call from
21 Dante Bailey to Jamal Lockley in August of 2016 in which Bailey
22 informs Lockley that Trouble is cooperating against MMP
23 member -- MMP boss Adrian Jamal Spence, or Spittle. Bailey
24 says, quote, Spittle said in his paperwork that Trouble who
25 they said is the CI.

~~GOVERNMENT'S OPENING STATEMENT~~

1 Lockley is incredulous.

2 Bailey instructs Lockley to send Trouble to an MMP
3 member named M-Easy. That's this guy with the lightning bolt
4 tattoo on his face.

5 And Lockley says, "All right. Say no more."

6 You'll also hear from someone who was recruited to be
7 a member of MMP, someone who lived in the very same house as
8 Dante Bailey for a period of time and helps the gang deal
9 drugs.

10 His name is Jay Greer, also known as Champagne. Greer
11 will tell you that he never ended up actually joining MMP, in
12 part because he didn't carry out a murder that Bailey told him
13 to commit.

14 And you'll hear that after Greer pled guilty in this
15 case pursuant to a cooperation agreement, Bailey tried to have
16 him killed too.

17 In fact, you're going to see the actual hit letter
18 that was intercepted by law enforcement in the nick of time.

19 The defense attorneys will undoubtedly tell you that
20 the witnesses for the Government can't be trusted. Some of
21 them committed very serious crimes. Many of them are people
22 who you probably wouldn't want as dinner guests.

23 But remember that the Government did not choose these
24 witnesses. The defendants chose these witnesses when they
25 committed the crimes that we've discussed.

~~GOVERNMENT'S OPENING STATEMENT~~

1 These are the people who the defendants conspired
2 with. These are the people who know what the defendants did
3 and how they did it.

4 So you aren't going to like all the witnesses. And we
5 certainly aren't asking you to like them. But we also aren't
6 asking you to take them on their word alone.

7 You should consider their testimony very carefully,
8 but you should also consider the ways in which their testimony
9 is corroborated, both by each other and by all the other
10 evidence in the case.

11 At the end of the case, you'll be asked to determine
12 whether the defendants are guilty of a crime, and so it might
13 be helpful to know what crimes they're charged with and what
14 the United States has to prove and what we don't have to prove
15 so that you know what to look for as the case unfolds.

16 In Count 1, all six defendants are charged with
17 conspiring to participate in a racketeering enterprise.

18 Here are the elements of racketeering conspiracy.

19 As to each defendant, you need to find that he
20 knowingly and willfully joined an agreement to participate in
21 an enterprise -- here that's MMP -- that affected interstate
22 commerce through a pattern of racketeering activity and that
23 members of the conspiracy, any members, not necessarily the
24 defendant, agreed to commit at least two racketeering acts.

25 Racketeering acts are defined types of crimes; here,

1 murder, robbery, extortion, drug distribution and conspiracy to
2 distribute drugs, witness tampering, witness retaliation, and
3 money laundering.

4 It's important to understand that the defendants are
5 charged with conspiracy, which means the crime is the agreement
6 itself.

7 The United States does not need to prove that any of
8 the defendants committed any of the specific murders,
9 robberies, or drug transactions that you just heard about,
10 although we will.

11 The United States only needs to prove that these
12 defendants, through their words or actions, became a member or
13 associated at some point with MMP and that they did so knowing
14 that some member, any member, not necessarily them, would
15 commit at least two RICO acts.

16 So what it boils down to is actually pretty simple.
17 You need to decide whether the defendants joined or associated
18 themselves with MMP, knowing that people in the gang would
19 commit certain classes of crimes.

20 It's also important to understand that the defendants
21 don't have to be actual members of MMP. As I mentioned, you'll
22 hear from witnesses that Bailey, Banks, Anderson, and Davis
23 were actual members of MMP; whereas, Lockley and Frazier were
24 5200 boys who acted in concert with them.

25 That distinction doesn't matter for purposes of

1 Count 1.

2 You'll be asked if each defendant associated with MMP
3 and became a member of the racketeering conspiracy; that is,
4 agreed to participate in the objectives of MMP to engage in
5 these classes of crimes.

6 Keep in mind that many of the witnesses who you'll
7 hear from will tell us that they were members of the
8 racketeering conspiracy charged in Count 1 and even pleaded --
9 pled guilty to being members of that racketeering conspiracy
10 even though they were not members of the gang who swore the
11 oath and jumped through the hoops for formal membership.

12 And, again, you don't need to find that any particular
13 defendant committed any particular racketeering act. The focus
14 is on the agreement itself and whether it was foreseeable to
15 them that these types of crimes would be committed by other
16 members.

17 That's why the Omertà code and the MMP rules and the
18 lightning bolt tattoo are also important, because you know the
19 moment you join or associate yourself with MMP that you might
20 be called upon to take a life.

21 In Count 2, all six defendants are charged with
22 conspiracy to distribute and possess with intent to distribute
23 a kilogram or more of heroin and 280 grams or more of
24 crack cocaine, as well as detectable quantities of other drugs.
25 And here are the elements of Count 2. Again, it's a conspiracy

1 charge, so it's the agreement and not the actual distribution
2 of drugs that's the crime.

3 You'll hear evidence that each of these defendants
4 distributed drugs themselves, but it's important to keep in
5 mind that you can be part of a drug conspiracy without ever
6 touching drugs.

7 There are many ways you can involve yourself in a drug
8 conspiracy. You can help set up a drug transaction between two
9 other people. You can collect dues from the hitters in the
10 organization. You can impose discipline on someone who steps
11 out of line. You can tax a rival drug dealer. You can commit
12 an act of violence to enforce the organization's territory.
13 All of these are ways to join the drug-trafficking conspiracy
14 without actually dealing a gram of drugs.

15 And if you join the conspiracy, you're held
16 accountable for the entire weight of drugs dealt by other
17 members of the conspiracy so long as it's reasonably
18 foreseeable to you and within the scope of the conspiracy.

19 As I mentioned, you'll hear testimony that MMP members
20 could sell over a kilogram of heroin and crack cocaine per week
21 at a single location.

22 You'll also hear about a single instance when
23 law enforcement recovered approximately 600 grams of heroin
24 from an MMP stash house that was operated by MMP boss
25 Adrian Jamal Spence.

- GOVERNMENT'S OPENING STATEMENT -

1 The evidence will show that the conspiracy involved
2 far, far greater quantities of drugs than what's charged in the
3 indictment.

4 Count 3 charges Dante Bailey with murder in aid of
5 racketeering for the murder of James Edwards, also known as
6 Bangout. And we've discussed Bangout's murder previously, and
7 you'll hear much more about it during the trial.

8 Counts 10, 18, 29, and 31 charge Lockley, Bailey,
9 Frazier, and Davis with distribution or possession with intent
10 to distribute controlled substances based on discrete incidents
11 that you'll hear more about during the trial.

12 And Counts 16, 17, 22, 24, and 31 charge Davis,
13 Bailey, Frazier, Anderson -- and Anderson with illegal
14 possession of firearms and ammunition, again, based on discrete
15 incidents that you'll hear more about during the trial.

16 And here are the elements of that crime.

17 You'll need to find as to each that the defendant
18 possessed the firearm or ammunition in question; that the
19 defendant had previously been convicted of a crime punishable
20 by more than a year in prison; and that the firearm or
21 ammunition had traveled in interstate commerce.

22 And finally, Count 32 charges Davis with possession of
23 a firearm in furtherance of a drug-trafficking crime, and
24 that's based on the February 2017 arrest when he was a fugitive
25 that you heard about.

1 So let's circle back to where we started, the
2 Omertà code. The Omertà code means that members of MMP agree
3 to kill or be killed to keep the truth about their criminal
4 activities from ever coming out in a court of law.

5 The Omertà code of silence will be broken in this case
6 because of the courage of witnesses, because of the hard work
7 of investigators over a period of many years, and because of
8 your service as jurors.

9 During the next several weeks, you're going to hear
10 the truth about the crimes that these defendants committed.

11 The standard -- the standard in a criminal case is
12 high, beyond a reasonable doubt, as it should be.

13 But I think you'll find that the evidence in this case
14 will far surpass it. And at the conclusion of this case, we'll
15 ask that you find these men guilty on all counts.

16 Thank you.

17 **THE COURT:** Thank you, Ms. Hoffman.

18 Could I see counsel at the bench briefly.

19 (Bench conference on the record:

20 **THE COURT:** Just on scheduling, I'm assuming that
21 you'll be leading.

22 **MS. WHALEN:** Yes.

23 **THE COURT:** And what I'd like to do is take as short a
24 break as possible --

25 **MS. WHALEN:** Sure.

1 **THE COURT:** -- and then get your argument in.

2 It may run -- I recognize you may run a little bit
3 past 1:00, but I'm thinking approximately in that range.

4 **MS. WHALEN:** Yes. I think not too much beyond 1:00.

5 **THE COURT:** All right. Great. That's what we'll do,
6 then.

7 **MS. WHALEN:** Thank you.)

8 (Bench conference concluded.)

9 **THE COURT:** All right. Just scheduling, ladies and
10 gentlemen. We're going to take a short break, and then we're
11 going to resume hearing opening statement on behalf of
12 Mr. Bailey. Then we will take the lunch recess and hear the
13 remaining arguments after lunch.

14 So at this point I will start by excusing the jury.

15 (Jury left the courtroom at 12:09 p.m.)

16 **THE COURT:** All right. And we'll also excuse the
17 gallery.

18 If all the gallery would like to depart, please.

19 All right. And counsel and defendants and I will
20 depart.

21 (Recess taken.)

22 **THE COURT:** All right. We're ready to bring in the
23 jury.

24 (Jury entered the courtroom at 12:28 p.m.)

25 **THE COURT:** All right. Thank you.

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 We can turn to opening statement on behalf of
2 Mr. Bailey.

3 Ms. Whalen.

4 **MS. WHALEN:** May it please the Court, Government,
5 defense counsel and their clients, ladies and gentlemen, let me
6 introduce myself again. I am --

7 **THE CLERK:** Excuse me, Ms. Whalen. Before you start,
8 let me adjust your microphone.

9 **MS. WHALEN:** Sure.

10 **THE COURT:** We've got to make sure everybody is heard.
11 (Pause.)

12 **MS. WHALEN:** Let me introduce myself. I'm
13 Teresa Whalen. And along with my co-counsel, Paul Enzinna, we
14 have been appointed to represent Dante Bailey. And Dante has
15 been sitting next to me to my right.

16 Let me just warn you. I am the queen of technical
17 difficulties, and I probably will not -- or this will probably
18 not be the first time that I'm asking for Ms. Moyé's
19 assistance, Paul's assistance, or anyone's assistance.

20 We have the responsibility of bringing to you all of
21 the facts that we can bring to you, all of the information that
22 will help you in making this important decision in several
23 weeks when you deliberate about what you heard in this
24 courtroom and what it means in relation to the charges that the
25 Government brought.

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 We have the responsibility of making sure that you
2 hear more than the Government's version, their theory of what
3 happened. You just heard all of that in Ms. Hoffman's able
4 opening statement.

5 It's their theory. It's their version. It's how they
6 have tried to weave facts together in an effort to convince you
7 that Dante Bailey is involved in the crimes that they have
8 charged.

9 It is only a theory. It is the evidence that is out
10 there that will come into this courtroom, and I suggest to you
11 we will be talking to you about the evidence that they don't
12 have to prove their theory.

13 This is a most important decision for Mr. Bailey, as
14 you can imagine. It is a decision that we believe you will
15 agree with us in the end, the Government has not proven our
16 client guilty beyond a reasonable doubt.

17 Now, there are -- over the years I've seen, there are
18 always two sides to a story. There's always more than what the
19 Government presents to you in a case, and that is why I say to
20 you it's merely a theory that was presented to you in opening
21 argument.

22 There are a couple of things that we ask of you, very
23 important things to Mr. Bailey, and that is please keep an open
24 mind. We have such a fabulous system of justice that it is not
25 simply the Government standing up and telling you, This is what

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 you're going to hear, and this is why he's guilty.

2 You, instead, are the arbiters of the facts and how
3 they apply to the law. So the Government accuses. You are the
4 ones, thankfully, who review it all and come to a considered
5 decision.

6 So, number one, we ask you to keep an open mind.

7 Number two, we ask you to protect.

8 The presumption of innocence, which is probably, at
9 least in the courtroom, I would say it's probably the most
10 important principle of our democracy and of what sets us apart,
11 meaning we, citizens of the United States, apart from other
12 places and other things that you read about that happen in
13 different systems of justice.

14 Now, we do agree with some of the facts that the
15 Government has presented and will present here in this
16 courtroom.

17 Dante Bailey was dealing in some narcotics to earn a
18 living.

19 We agree that people were killed in rough
20 neighborhoods in Baltimore, some in Mr. Bailey's neighborhood.
21 We agree some people were shot at, again, in those rough
22 neighborhoods in Baltimore and some in the Windsor Mill area as
23 well.

24 Really that is -- if you follow the news at all,
25 that's nothing unusual. That's nothing specific or unusual,

1 unfortunately, in Baltimore.

2 We agree that Dante Bailey pulled many young men
3 together. He did it to work together, for them all to work
4 together, to survive, to support families, and to express
5 themselves in rap music and other ways. And we'll get into
6 that.

7 Now, the Government says this was
8 Murdaland Mafia Piru. We agree that there is an awful lot of
9 social media evidence and writings that suggest that
10 Dante Bailey was involved with a group called MMP or
11 Murdaland Mafia Piru; but that's all we agree to, because the
12 Government will not be able to satisfy that this is a RICO, a
13 racketeering conspiracy. That's the test here.

14 Is it a group?

15 Sure, it's a group. But that group was designed to
16 advance a different mind-set in these young men and a different
17 career than the career that at least Dante Bailey knew and was
18 only exposed to in that very rough neighborhood, and that was
19 drug dealing.

20 But these are about all the things that we truly agree
21 with the Government on.

22 Dante Bailey is not guilty of murder, violence in aid
23 of racketeering, and he is not guilty of ordering murders as
24 the Government suggests in their theory.

25 He is not guilty of being part of a RICO enterprise.

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 MMP is not a RICO enterprise.

2 He's much more than the picture that the Government
3 has painted of him. He is a father of three, married, took
4 young men into his home when they needed some help. He was
5 earning money writing lyrics for rap, writing other documents
6 or screenplays, as you heard in the opening statement. And
7 you'll see some of that in this courtroom.

8 And he was also a producer of rap music, and he was
9 performing rap music. And they were making videos and
10 presenting them or putting them on YouTube and other platforms
11 for others to see, for others to purchase.

12 There were also entertainment gigs or shows where they
13 performed as well. And that, again, was a real job with real
14 money, and my client was attempting to move on and out of the
15 neighborhood that he was in.

16 He was also associating himself with what's called
17 African-American urban fiction. Some of you -- and I apologize
18 if I'm explaining too much because some of you may already know
19 a lot about rap, may already know a lot about African-American
20 urban fiction. But for those who don't, that is a type of
21 genre, writing, fiction, a fiction.

22 As I said, all of this was Dante Bailey's efforts to
23 move on in life.

24 Now, the Government showed you pictures in opening
25 statement, and I guarantee you there will be more pictures

1 during this trial of groups of men, groups of men with tattoos,
2 groups of individuals with signs.

3 They will also show you rap videos, I would expect.
4 All of these things and all of the visuals are designed --
5 they're off-putting, so to speak. And I would suggest they are
6 not illegal, and they are designed to give you a visual.

7 You know, we are not allowed to speak to jurors, of
8 course, in our system here. But the first thing that I wanted
9 to say is, Boy, how did you feel after looking at that opening
10 argument, all those visuals?

11 And I'll probably want to say that again during the
12 trial: How do you feel when you keep seeing social media after
13 social media of my client and others doing signs, because that
14 visual is designed to take you somewhere.

15 It is designed to have you not focus on -- the real
16 issue here is: What is the competent, credible, reliable
17 evidence that my client did the things that they said? As
18 opposed to: My client's out there on social media presenting
19 himself in a particular way.

20 There are many other pictures, too, that the
21 Government may or may not show you.

22 Could we have number -- or A, letter A.

23 I'll hold it up, but probably your screens are easier
24 to see.

25 But the first is that Dante Bailey is here.

1 Whoops, let me take a moment.

2 He is here in the studio with his headphones doing his
3 work: Composing, writing lyrics, and pulling together his
4 work.

5 What they created were CDs for sale. This would be
6 Number 2, or B. And this one is a CD that is entitled "The
7 City is Ours." And it's a Facebook page. So this picture was
8 placed on Facebook. And it's called "Murderland Mafia Music,"
9 EMM on the left and Piru on the right. That's all part of the
10 rap music and the genre that my client had gotten himself
11 fairly proficient in, as you will see.

12 You may not like some of the songs, but he was
13 proficient in it.

14 Could I have C.

15 So there were shows. And, again, placed on Face- --
16 or Instagram this time. Those shows show my client and another
17 young rapper, because he would cultivate and he would try to
18 assist young men who wanted to rap. They're clearly on what
19 appears to be a stage, performing. That was what Dante Bailey
20 did, and they posted it on Instagram for others to see.

21 And how about D.

22 Part of all these pictures, some of which the
23 Government may show you, some of which we are showing you here,
24 was just getting together, groups of people getting together,
25 male, female; whether you lived in 5200 block, whether it was

1 at a social event, or whether it was just hanging outside of
2 the BP gas station, got together, socialized together.
3 Nothing, nothing illegal about any of those things that you
4 have seen.

5 It's a different life, perhaps, than we may know, we
6 individually may know, but it's not an illegal life that my
7 client was living. And the rap and the photographs that they
8 were posting, none of it is illegal at all. It may show that
9 there is a group, yes, but not a crime.

10 You will see rap videos that the Government will put
11 on. And they've already in their opening statement indicated
12 that there is a screenplay which was some sort of narrative of
13 what really occurred. That's the theory that the Government
14 has, is that all of this means that my client was committing
15 crime.

16 They're different. Rap may be different to you
17 individually, maybe not. Strange? Maybe. Foreign, but not
18 illegal.

19 So we're going to play a rap video so that you can see
20 what it's all about.

21 However, I warn you that there is some language in it
22 that may be offensive. That's all part of rap.

23 (Video was played but not reported.)

24 **MS. WHALEN:** So, ladies and gentlemen, that may not be
25 my preferred entertainment, but entertainment it is.

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 And what the Government focused on, in looking at that
2 kind of evidence, if you will, is these are bad dudes talkin'
3 about things like drugs, guns, murders, sometimes violent acts.
4 That must be proof of a crime.

5 No. The very nature of rap music is to present
6 yourself and portray yourself as a bad dude on the streets.
7 Whether it be Baltimore, whether it be Chicago, it doesn't
8 really matter which city. You portray yourself as bad and as
9 big and being as urban as possible so that people buy your
10 music.

11 It wasn't long ago that rap music wasn't even a
12 category in the Emmys. I mean, this is a multimillion-,
13 billion-dollar business that my client was trying to break
14 into.

15 Some of the -- you know, I'm dating myself here, but
16 you've probably heard of Eminem; Drake maybe; Kanye West;
17 Jay-Z. These are some of the big names -- Snoop Dogg -- in rap
18 music.

19 The Government wants you to believe that statements
20 made in these kinds of "Let me portray myself as big, bad, and
21 tough" are true.

22 But if you go back in history over centuries, I would
23 suggest, but I'm going to take you back a little bit. Remember
24 Bob Marley and "I shot the sheriff, but I didn't shoot the
25 deputy"? I think Eric Clapton may have done a remake.

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 Remember Johnny Cash in his "Cocaine Blues," I
2 believe, was one of his songs? "I Shot my Woman Down."

3 Another song by Johnny Cash: "I Shot a Man in Reno
4 Just to Watch Him Die."

5 Well, the Government didn't focus on them, I would
6 suggest, and nor did anyone really believe that those
7 statements meant Johnny Cash killed his woman.

8 The African-American -- could we have the next one,
9 "The BG Kode."

10 African-American urban fiction genre, that is -- you
11 know fiction, made-up stories. And in this type of genre, an
12 individual writes about the streets, writes about urban life,
13 usually writes about some violence and usually may have some
14 sex in it. Again, a huge industry, multimillion-dollar
15 industry.

16 The Government will present to you some information
17 that my client had associated with it. This book,
18 "The BG Kode," was posted on Facebook. It's a picture
19 apparently of Mr. Bailey. I don't believe that Mr. Bailey
20 wrote the book.

21 All of that, not illegal. In fact, someone striving
22 to earn money.

23 Why -- you might say, Why are you talking about this?

24 And the reason for that is because the Government took
25 in this case rap music and that kind of information and then

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 they took the unsolved crimes in that area and they shaped and
2 molded a case, I suggest to you, against their target, and that
3 was Dante Bailey.

4 And then the Government took that information, their
5 molded, shaped case, and presented it to cooperating witnesses.

6 Now, you heard about one, William Banks, and there
7 will be others. But they took that information to them. Those
8 people, the William Banks, the Jay Greers, then followed suit.
9 They knew what the Government was interested in talking about,
10 and they lied for their own benefit to be consistent with a
11 Government theory.

12 Now, I'm not talking about the individual, very good
13 prosecutors and individual agents in the case. I am talking
14 about something larger. And it is not something particular to
15 this particular case or to a criminal case at all, frankly.

16 We have seen over history, some old and some new,
17 where the Government, as an institution now, actually points
18 the finger at someone and accuses someone, builds a case
19 against that person, only to later learn the grave mistake that
20 they made, some very high-profile examples, because I suggest
21 to you that's the only ones we ever learn about, are in the
22 papers and the like, are the 2004 Madrid train bombing -- I
23 don't know if you remember that. It was a lawyer in Oregon who
24 was arrested because they believed his fingerprint was on the
25 bag that had the bomb, but that was absolutely wrong.

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 The Atlanta Summer Olympics when there was a bombing,
2 Richard Jewel was an individual who was basically destroyed by
3 the Government by erroneous information that he was involved
4 when, in fact, later he was called a hero and saved people.

5 More extreme, and I admit more extreme, but to
6 illustrate a point.

7 Fairly recently, our government relied upon an Iraqi
8 defector from their government who told them there were weapons
9 of mass destruction. All historians now say that was not true.

10 Dante Bailey is not guilty of the shootings and the
11 ordering that the Government claims, and that's the most
12 serious -- they are the most serious charges, I would suggest
13 to you.

14 And why can I say that with such conviction? I say it
15 because there will not be independent, reliable evidence that
16 you can look at, hold, listen to, tangible evidence that he did
17 any of these acts of violence.

18 The October 2012 shooting of Samartine Hill, Snook --
19 and all of these names, I know it's going to be difficult right
20 now, but it will become clearer as the trial goes on.

21 That was a killing where there is a videotape of
22 cooperator William Banks (indicating) shooting Samartine Hill
23 outside of the Club Mirage.

24 It's a videotape. William Banks pointed the finger
25 falsely at someone else. He said James Edwards did that.

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 William Banks, who's going to testify here, who the Government
2 wants you to rely upon as being someone who has truthful
3 information about what occurred.

4 William Banks now, after having flipped, versus
5 James Edwards and now it is me, I, Government, while I am
6 trying to cut my deal, I did that shooting. William Banks then
7 points a finger and says my client was involved. No evidence
8 at all that Dante -- no reliable evidence at all that
9 Dante Bailey was involved in that.

10 November 2012, Antoine Ellis, there is a videotape of
11 Dontray Johnson shooting Mr. Ellis.

12 Now, how do you prove a murder case? Ladies and
13 gentlemen, you prove it by concrete evidence, reliable
14 evidence, videotape, fingerprints, DNA, any kind of --
15 something left at the crime scene or someone who has something
16 on them from the crime scene or, like, for instance, a victim's
17 wallet. If a victim's wallet is stolen, that's concrete,
18 credible evidence. And there's none of that in this case.

19 The killing of James Edwards, this is February 12th of
20 2015. This is the subject of the VICAR count, we call it, but
21 it's violence in aid of racketeering.

22 And in order to prove that count, the Government will
23 have to show to you that my client committed the violence, the
24 murder, and that he did so in aid of a racketeering enterprise.

25 There are no eyewitnesses to the James Edwards murder.

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 There's no video to the James Edwards murder. There are no
2 fingerprints. There's DNA, but not Dante Bailey's DNA or
3 anybody else associated with Dante Bailey.

4 There's no recovery of a firearm that can be tied to
5 my client. There's nothing to tie him to that except for
6 unreliable witness.

7 July 2015 shooting at a BP gas station, I'm not sure
8 the Government talked much about that. But, again, I'm going
9 to sound like a broken record. There's no fingerprints, no
10 video, no DNA, no credible information my client was involved.

11 September of 2015, Nutty B, Brian Johnson, was killed.
12 Broken record again: Nothing, nothing, no video, no
13 fingerprints, no cell phone evidence, nothing to tie my client
14 to the killing of Nutty B.

15 And the same with the killing of a man named
16 Anthony Hornes.

17 There's just no independent, credible evidence for you
18 to hold and to take back with you in the jury room.

19 So what is the Government relying on? Well, they're
20 relying on rumor, innuendo, hunch, and criminals who will
21 testify about the rumor that they heard. And they are relying
22 on this man, William Banks (indicating). You will meet him.
23 There was a picture of him in the Government's opening
24 statement.

25 Make no mistake about it, the Government chose what

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 witnesses to cut deals with and to give less jail time for the
2 information they give. This isn't Dante Bailey choosing a
3 witness, as was told to you in opening. The Government chose
4 their witness. They traded less jail time for information.

5 Could I have the next photograph.

6 Thank you.

7 So who's William Banks? He is someone who
8 certainly -- he's down at the bottom, of course, and his
9 girlfriend stands above him. And she's holding two guns. He's
10 holding another gun. Certainly no stranger to the life.
11 Certainly no stranger to weapons.

12 Back in 2012-2013, he was on parole for felonies. I
13 believe they were burglaries. Now, parole means that you get
14 out of jail. You haven't -- you finished your executed part of
15 your sentence, and you have to report to a parole agent. And
16 you cannot commit more crimes. You can't have a weapon.
17 Basically, you've got to be good on parole or you go back to
18 jail.

19 And on January 11th of 2013, while on this parole, he
20 was arrested by the Baltimore County Police -- excuse me, City
21 Police Department. But he was released fairly quickly.

22 He was arrested, I believe, on a burglary for that.

23 By January 14th, a few days later, he broke into a
24 house, kicked the door down, stole a .40-caliber weapon, and
25 then was out in a car driving along. And there was sort of a

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 road rage type incident where he shot that weapon at the car,
2 almost killing -- and thankfully not -- Terrell Gale and his
3 2-year-old child in the backseat of the car.

4 And then he went through this elaborate -- he was
5 shot.

6 He went through this elaborate story with police
7 lying, lying, lying, telling them that, oh, some
8 miscellaneous -- I was walking down the street, and some
9 miscellaneous drug dealer shot at me. Don't know much more
10 about that.

11 Total lies. And we could probably sit there and count
12 them, and maybe we will when he testifies.

13 The police thought he was so dangerous, of course,
14 that they got a parole retake warrant with no bond, meaning
15 they got authority to lock him up for violation of parole and
16 not let him out on the street.

17 Now it's looking like William Banks is going to be in
18 jail for quite a while.

19 His attorney at the time brought him in to local
20 prosecutors and the scam begins, ladies and gentlemen.

21 At some point local law enforcement starts paying him
22 for his information while he's out on the street, 'cause he did
23 get out. But not before he wrote a letter to then-Assistant
24 State's Attorney Dana Middleton. Now she is a judge.

25 And in that letter -- now, he's incarcerated in

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 November of 2014. He's got this lawyer. And he's already met
2 with prosecutors, local at the time, in order to cut a deal
3 with them. He's given them information.

4 And he says, I'm writing you this letter to basically
5 beg for my freedom. I have done everything that I possibly
6 could think of to cooperate with the State in any and every way
7 possible.

8 Could I get the next slide.

9 Now, this might be too small, actually, for you to
10 read, but it will be up on your screen.

11 In this letter he says [reading]: It seems like all
12 of my cries and pleas are falling on deaf ears. Please, I'm
13 begging, please, make the difference this time. I got you the
14 arrest you wanted. And upon my release, there will be plenty
15 more to come. I guarantee that.

16 William Banks, nickname Trouble, "I guarantee that"
17 may be the only truthful statement that you will hear about
18 William Banks because it is really easy to get arrests for
19 police officers when you lie about a crime; when you scam the
20 police and two-time 'em; when you point the finger at someone
21 else like he did with the Samartine Hill shooting, saying it
22 was James Edwards when it wasn't; and especially when the
23 police want to believe what you have to say.

24 You'll see in the course of his working with the
25 police, he committed crimes. He lied about almost everything

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 he said. It was so bad that he actually was fired as a
2 cooperator. And by that I mean he's out on the street and the
3 police figure out, as Ms. Hoffman said to you, that he's lied
4 about the Samartine Hill shooting. Perhaps they figured out
5 other things. There's actually some warnings to him like, you
6 know, "Don't carry a weapon," by the police. And again, like I
7 said, he was being paid for his information out there.

8 And he actually was fired, meaning we no longer --
9 you're no longer our agent because we know you're a liar.

10 They searched his house. They found three loaded
11 weapons. They found drugs. And these were drugs that he was
12 selling while he was also accepting money from the police to
13 make sure that he didn't get locked up and put in jail.

14 Why do I say the police wanted to believe Trouble? If
15 you target someone and then a guy like Trouble, who's in the
16 know, supposedly, gives you what you want to hear about
17 Dante Bailey, you want -- it's natural; the police are just
18 like all of us. It's natural to want to believe that, even if
19 it turns out later he is untrustworthy and he is a liar.

20 We ask you not to follow suit, not to believe
21 Mr. Banks in the same way that he got a pass for while he was
22 cooperating.

23 The Government's case is built on two faulty premises,
24 we submit.

25 One is that because there were deaths and shootings in

~~DEFENDANT BAILEY'S OPENING STATEMENT~~

1 this neighborhood and my client was a respected guy,
2 leader-type guy, that somehow he had to have been involved; he
3 had to have ordered these things. Faulty premise.

4 They need hard evidence, not just innuendo, rumor,
5 suspicion, and a William Banks taking the witness stand to tell
6 you whatever he wants to tell you.

7 And the second is that the sheer number of events
8 you're going to hear about, this one after this one after this
9 one after this one, will make up for the lack of evidence that
10 they really have, the lack of reliable, competent evidence to
11 prove beyond a reasonable doubt that Dante Bailey was involved
12 in a racketeering conspiracy, was involved in any way in the
13 murder of James Edwards or any of the other violent acts that
14 the Government seeks to prove.

15 We ask you to resist these faulty premises because
16 your job requires you to evaluate whether the Government proved
17 each of these separate events, separate events, beyond a
18 reasonable doubt. That's the highest standard we have in our
19 system of justice.

20 Demand competent evidence from the Government. You're
21 entitled to it. Pick apart, challenge what you hear and see in
22 this courtroom. That's your job, I suggest to you.

23 Question what you hear. And most importantly, do not
24 rely upon anyone who has reason to point the finger at
25 Mr. Bailey as a get-out-of-jail-free card.

1 Find Dante Bailey not guilty because he's not guilty
2 of the charges. Find him not guilty because the Government did
3 not bring to you the competent, reliable evidence that you will
4 need: Proof beyond a reasonable doubt.

5 Thank you.

6 **THE COURT:** Thank you, Ms. Whalen. You may return all
7 the technology.

8 All right. Ladies and gentlemen, we're going to take
9 the lunch recess until 5 after 2:00.

10 We'll start by excusing the jury.

11 (Jury left the courtroom at 1:05 p.m.)

12 **THE COURT:** All right. And we'll excuse the gallery.

13 (Pause.)

14 **THE COURT:** All right. And then we will adjourn for
15 the lunch hour.

16 (Luncheon recess taken.)

17 **THE COURT:** Ready for the jury?

18 **MS. HOFFMAN:** Your Honor, if I could, we don't need to
19 do it now; but before the Government calls its first witness,
20 there are two additional motions in limine that we were hoping
21 to address before our first witness, after the openings are
22 finished.

23 **THE COURT:** Okay.

24 (Jury entered the courtroom at 2:13 p.m.)

25 **THE COURT:** All right. Thank you. And welcome back.

1 We'll be continuing with -- let's see. Mr. Sardelli,
2 would you be speaking?

3 **MR. SARDELLI:** Yes, Your Honor. Thank you.

4 **THE COURT:** All right.

5 **MR. SARDELLI:** Good afternoon, everyone. My name is
6 Brian Sardelli. I represent Randy Banks, who is seated right
7 over there (indicating).

8 You'll have to forgive me. I've got a bit of a cold,
9 but I've been muscling through with Halls and cough drops and
10 some water. So I'll go ahead and muscle through this as well.

11 I don't have a crystal ball, but I anticipate the
12 facts and the evidence in this case will show you the following
13 and that this is a monumental overreach by the Government as it
14 applies to my client, Randy Banks.

15 Now, I only represent Mr. Banks, and I'm only going to
16 be talking to you about Mr. Banks here today. Not
17 William Banks, not this guy (indicating). My client,
18 Randy Banks (indicating).

19 Now, interesting, I took a slide from the Government
20 PowerPoint this morning, and it should be in front of your
21 screen.

22 I was interested to note that Count 32 doesn't deal
23 with my client.

24 Count 31 doesn't deal with my client.

25 Count 30 doesn't deal with my client.

Count 29, 24, 22, 18, 17, 16, 10, 3.

Everyone else has additional charges in this case. My client only has the first two against him.

And why is that? Why are there only two charges against my client? Because the facts and the evidence will show you that the government's case is weakest, weakest against Randy Banks. And why is that? Why is that?

Well, the facts and evidence are going to show you the following: Randy Banks, born and raised in Baltimore. And the facts are the facts. I'm not going to sugarcoat them to you. He probably grew up in not the greatest neighborhood.

In his neighborhood, there are gangs, drug trafficking, bad things that happen. But just because you're from that neighborhood and just because you live there doesn't make you part of that. Doesn't make you a gang member.

What it does make you is an easy target for someone who got caught doing something they shouldn't be doing.

The Government PowerPoint in this case was approximately 68 slides long. There are some awful things on there. But those awful things happened in this neighborhood, but not by Randy Banks.

People like William Banks got caught doing awful things; and when he got caught, he sold a bill of goods to the Government, to ATF, the United States Attorney's Office. They were bamboozled.

- DEFENDANT BANKS' OPENING STATEMENT -

1 They, through him, wanted to make a bigger case of
2 this.

3 Now, most of the evidence in this case are going to
4 focus on Dante Bailey and the other defendants here.

5 The least amount of evidence in this case will be
6 related to my client, Randy Banks.

7 And when you cut through it all, when you really look
8 at what the base of the evidence is in this case, where the
9 Government agents and their people are getting their facts
10 from, it's from William Banks and those like him.

11 I anticipate you'll hear from the case agent first,
12 and he'll give you an overview of the investigation.

13 But if you really break it down to its essence about
14 what he's telling you and how he knows it, it's through the
15 information he's gleaned from William Banks and people like
16 him.

17 People like Devin Ferguson, another cooperating
18 witness; Jay Greer and others who are going to get on that
19 stand.

20 And after they've lied to the ATF, after they've lied
21 to the U.S. Attorney's Office, they're going to get up there,
22 look you straight in the eye, and they're going to lie to each
23 one of you.

24 And why would he do that? Well, he was an ATF source,
25 CI, whatever you want to call it. And eventually he's involved

1 in a shooting that you'll see that's on video.

2 You're also going to hear, more importantly -- even
3 more important than violence, what I want you to really focus
4 on is the fact that he lied. He lied. You've already heard
5 from the Government he lied to them.

6 And what happened as a consequence of that lie?
7 They're still going to put him up there. They're going to
8 still put him on that stand so he can lie to you.

9 It's one of those things where hindsight's 20/20.

10 I didn't know he was lying. I found out later.

11 No. They've already told you he's lied. He's a liar.
12 But despite that, they're still going to put him on the stand.
13 They're still going to do that.

14 Why? I can tell you as to my client exactly why,
15 because when you break down the evidence in this case at its
16 essence, especially as to Randy Banks, it comes down to what
17 people like William Banks are going to tell you. And
18 William Banks is up against it. And he will do anything, the
19 facts and evidence will show you, to reduce his time in prison
20 and his sentence.

21 And Randy Banks is in his 40s. He's been around this
22 area in Baltimore a long time. He also, although not as
23 prominent as Mr. Bailey, wanted to be a part of this rap
24 company, this entertainment group, doing rap videos, stories,
25 screenplays.

~~DEFENDANT BANKS' OPENING STATEMENT~~

1 Now, I'm not a big fan of the music in this case. You
2 may not like it either.

3 But rap is not reality. Rap is not a crime. The
4 Government wants you to think that, oh, he was in a bad rap
5 video; therefore, he's a criminal.

6 Ladies and gentlemen of the jury, every day on the
7 radio, on MTV, in music videos, in books, in music, whether
8 it's rap music or a movie I like, "The Godfather" -- they said
9 this is like the Italian mafia, which I find silly. It is art.
10 Mario Puzo, who wrote "The Godfather," no one brought him in
11 here and accused him of a federal crime.

12 Francis Ford Coppola, who directed "The Godfather,"
13 he's not here on trial.

14 Art and rap is not reality. That's a fact.

15 Ladies and gentlemen of the jury, of the approximate
16 68 slides -- you saw them. Most of them have nothing to do
17 with Randy. Six to eight weeks is the approximate time it's
18 estimated that you're going to be here. I ask, as the judge
19 did and other people did as well, you've got paper; you've got
20 pen. I make a respectful request to all of you.

21 For every witness, for every exhibit, note: Is
22 Randy Banks mentioned? Is he touched upon? Is he even
23 discussed? Like that 68-page PowerPoint, the answer is going
24 to be no. Almost none of the evidence in the case is going to
25 touch upon him.

1 The Government said they're going to go ahead and win
2 this case because, quote/unquote, the courage of witnesses,
3 unquote.

4 Well, here he is. Here's the courageous witness,
5 William Banks.

6 As I said before, anyone can make a mistake. The
7 facts and the evidence will show you that the biggest issue now
8 is that they know he's lied. They know he's a liar. And yet
9 they're going to put him up there and others like him,
10 nevertheless. Why? Because without him, they have no case on
11 Randy Banks and others like him.

12 Only through these cooperating witnesses, where you'll
13 hear about other things and everything else and what the agent
14 says, but that's gleaned from what these cooperating witnesses
15 told them. It is from them.

16 Ladies and gentlemen of the jury, after six to eight
17 weeks -- and I will put forward to you that six to eight weeks,
18 anything that takes that long to explain to you is inherently
19 not a simple thing.

20 I would ask you after six to eight weeks, when you
21 come back here and decide what happens in this case, have all
22 your questions been answered? Do you still have issues? Do
23 you still wonder about this man and his credibility? Do you
24 still have questions about the inconsistencies in this case?

25 You're going to hear inconsistencies about -- you're

- DEFENDANT BANKS' OPENING STATEMENT -

1 going to hear terms thrown around: Bloods, BGF, MMP. And
2 you're going to hear inconsistencies about if someone's in a
3 group, what that group is, whether it's MMP, BGF, or the
4 Bloods. You're going to hear a lot of confusion about that.

5 You're going to hear confusion about what drugs are
6 even at issue here. Some will say cocaine. Some will say
7 heroin. Some will say marijuana.

8 Why are those inconsistencies there as to Randy Banks?
9 Because the agents and the Government are getting it from this
10 guy (indicating) and others like him. He is a leaky, leaky
11 vessel.

12 Now, again, I don't have a crystal ball; but from the
13 Government's opening, it appears they think my guy, Randy, is
14 some type of financial mastermind.

15 You're going to hear a large amount of money mentioned
16 in this case, large amounts of money.

17 And this case allegedly by the Government claims that
18 it's happened over a period of years.

19 I want yourself [sic] to ask a question at the end of
20 all this: Where'd all the money go? You're going to hear
21 large, large, large amounts of money claimed by cooperating
22 witnesses that were involved here. And I ask you to ask the
23 question at the end of all this: Where'd all the money go?

24 The bottom line is the Government won't be able to
25 account for it. And here's why: Because it's an exaggeration.

- DEFENDANT BANKS' OPENING STATEMENT -

1 The amounts they're claiming never happened. That's why the
2 Government can't account for it. That's why the amounts you're
3 going to hear about don't match the evidence in this case.

4 Where did the money go? The answer is: Nowhere,
5 'cause it never existed in the first place.

6 Ladies and gentlemen of the jury, use your
7 common sense. You know when people lie, they lie because
8 they've gotten caught and they're up against a wall. And when
9 they're up against a wall, the more they give in a situation,
10 the more they get in return for a lenient sentence.

11 Randy Banks is that guy. He is the target of
12 William Banks and others like him.

13 Ladies and gentlemen of the jury, we're going to have
14 a long time together, six to eight weeks.

15 I'd like you to compare my opening statement with the
16 Government and see if what I said is true. Was this a
17 monumental overreach? And was it all based on guys like this
18 guy (indicating)?

19 And in the end, the answer's going to be "yes." The
20 answer is: After six to eight weeks, your questions won't be
21 answered, not all of them to Randy Banks. They're going to
22 want you to find him guilty because he knew people like
23 Dante Bailey and others that are here.

24 But mere association, mere presence is not -- there is
25 no guilt by association because he's from a neighborhood.

1 Under that theory, everybody from Randy's neighborhood
2 is guilty, and that's just silly.

3 Ladies and gentlemen of the jury, when you hear about
4 this case after six to eight weeks, you're going to come back
5 with a verdict. The Government has not proved their case
6 beyond a reasonable doubt because it's based on guys like this
7 (indicating).

8 And when you come to that decision, I will ask you at
9 the end of all this to find my client, Randy Banks, not guilty.

10 Thank you.

11 **THE COURT:** Thank you, Mr. Sardelli.

12 **MS. HOFFMAN:** Your Honor, may we approach briefly?

13 **THE COURT:** Sure.

14 (Bench conference on the record:

15 **MS. HOFFMAN:** I'd like to make an objection to the
16 statement that witnesses will get --

17 **THE COURT:** Wait a minute. You're not -- nobody can
18 hear you. Start again.

19 **MS. HOFFMAN:** I'd like to make an objection to the
20 statement that witnesses will get on the stand and they will
21 lie to you.

22 I think it's fine to say, you know, a witness lied in
23 the past, but I think saying the witness will get on the stand
24 and lie to you on the stand goes too far into vouching. So I
25 do object to that language.

1 **MR. SARDELLI:** I think the facts and the evidence will
2 show that there are inconsistencies and lies in this case; and,
3 therefore, it's a fair comment for my opening statement.

4 **THE COURT:** This is opening statement. It's not
5 evidence. He does, I gather, have -- because it was in your
6 opening, a good-faith belief that this individual did lie to
7 the Government at one point. And I think it's a fair
8 suggestion that he's not telling the truth now or what he hopes
9 to -- what he hopes to gain. I mean, it's going to be up to
10 the jury, obviously, to decide that.

11 **MR. SARDELLI:** Yes, ma'am.

12 **THE COURT:** Okay.

13 **MS. HOFFMAN:** Thank you.)

14 (Bench conference concluded.)

15 **THE COURT:** Let's see. Mr. Trainor.

16 **MR. TRAINOR:** Thank you, Your Honor.

17 May it please the Court, Judge Blake, fellow counsel,
18 ladies and gentlemen of the jury, my name is Harry Trainor.
19 And I represent Jamal Lockley, who is the gentleman seated to
20 my left at counsel table (indicating).

21 You've heard from three other attorneys so far, so I
22 may repeat some of the things that are said. But they have to
23 be said, because Mr. Lockley is one of six defendants on trial
24 here in this proceeding.

25 And as Judge Blake has said in her preliminary

1 comments, both yesterday and this morning, each defendant is
2 entitled to your separate, individual consideration.

3 In Mr. Lockley's case, it's just as if he is the only
4 defendant on trial. You're actually conducting six separate
5 trials and making determination as to six individual
6 defendants, so I ask you to remember that as we go through
7 this.

8 Also, yesterday and today, Judge Blake gave some
9 preliminary instructions on principles of law that I ask you to
10 remember as we go through this testimony and we -- and the
11 evidence is presented to you over the next six to eight weeks.

12 These principles deserve repeating, really, because
13 they're the framework of the decision-making process that
14 you're about to commence.

15 The first principle that you're going to hear again
16 and again is that Jamal Lockley is presumed innocent. He's
17 presumed innocent right now. That's really the starting point
18 of every criminal trial. A defendant is presumed innocent at
19 the beginning. He remains presumed innocent throughout the
20 trial, and he's presumed innocent when you're going to the jury
21 room to consider the case at the end of all the evidence six or
22 eight weeks from now.

23 So I ask you to be careful as you listen to the
24 testimony and screen the evidence as it comes in, that you
25 apply the presumption of innocence.

1 It can be used, really, as an analytical tool in
2 listening to the evidence, deciding some of the preliminary
3 issues about credibility of witnesses, for example. Apply the
4 presumption of innocence to that.

5 Certainly at the end of the case, when you decide
6 innocence or guilt, you have to apply the presumption of
7 innocence to that. And I submit even in some of the mechanical
8 decisions you make, such as computing the weight of any
9 substance alleged to be illegal, you would apply the
10 presumption of innocence as an analytical tool in evaluating
11 that.

12 Another principle that I ask that you remember
13 throughout the trial as the testimony comes in is the very high
14 level of proof required of the Government in order to upset the
15 presumption of innocence.

16 The requirement, as you have heard, and will hear
17 again and again, is proof beyond a reasonable doubt, a very
18 high level. Proof does not involve speculation. It does not
19 involve guesswork. It doesn't involve statements like: It
20 might have happened this way, or it could have happened this
21 way. It involves definite facts that you can believe beyond a
22 reasonable doubt.

23 And the Government has the burden of proof.

24 Counsel for the Government will be calling the
25 witnesses to the witness stand during their case-in-chief, and

~~DEFENDANT LOCKLEY'S OPENING STATEMENT~~

1 you've heard about William Banks, for example, and he and some
2 others in the Government's case will have credibility issues.

3 You'll know it when you see it. You'll know trouble
4 when you see it. You'll know trouble when you hear it.

5 And as part of your job and maybe one of the most
6 important parts of your job, you have to decide who you
7 believe. Do you believe all of what a person says to take a
8 person's word for it? Do you believe some of what a person
9 says and maybe not believe some of what a person says? Or is
10 this a person that you can't reasonably believe anything they
11 have to say?

12 And those are your options. You're going to see that
13 some of these witnesses have a motivation to testify one way or
14 another. They have a personal history or a background that
15 causes you to question whether their word should be believed.

16 You've heard from Ms. Whalen, particularly in her
17 opening, about some of the lies that this person called
18 Trouble, Mr. William Banks, has told in the past, how he's lied
19 to protect himself, how he's lied to the point where it appears
20 that he was terminated as a cooperator for a federal
21 law enforcement agency.

22 So it's fair and reasonable, when you consider the
23 credibility of a witness to consider: Does this witness have a
24 history of lying? And if so, how many lies can a man tell in
25 his life before he's no longer worthy of belief at all,

1 particularly in a big decision like you're going to have to
2 make in a federal crime trial? Consider that, please.

3 And ask yourself also whether this witness, whether it
4 be Mr. Banks or another person, is a person whose word you
5 would rely on in an important decision in your own life.

6 I would submit to you, then, that a reasonable
7 question to ask surrounding witnesses such as William Banks is:
8 Is the matter he's speaking about, is the matter he is telling
9 you to believe established beyond a reasonable doubt without
10 his word? Or do you have to rely on his word to establish that
11 point? If you come to that decision that you're relying on
12 William Banks' word, there's a lot of discussion that ought to
13 go on about that.

14 So I ask you to think about that. Be very alert to
15 the credibility issues in certain of the Government's witnesses
16 because that's probably one of the most important decisions
17 you'll have to make in deciding the case against Jamal Lockley.
18 Can you believe the testimony of a particular cooperating
19 witness?

20 And I ask you to apply your common sense and your
21 everyday experience in that process. It's really important for
22 you to consider carefully who you can believe and who you can't
23 believe.

24 Now, nothing you've heard so far from any of us is
25 evidence, nothing at all. But the evidence will show in this

1 case that Jamal Lockley grew up in a Baltimore neighborhood
2 where many of these events took place.

3 Some of the areas in the neighborhoods where he grew
4 up are not the wealthiest neighborhoods. Historically, there
5 is a lack of economic opportunity for some young men.

6 These are neighborhoods where certain areas have been
7 for decades and perhaps generations drug markets where drugs
8 have been sold in these neighborhoods, long before Mr. Lockley
9 came along.

10 And Mr. Lockley grew up in these neighborhoods around
11 some of the people who are also charged in the indictment. He
12 knows many of the people from the neighborhood.

13 You will see that it's not that uncommon that a person
14 from the neighborhood, a young man from the neighborhood, might
15 feel that he has to hustle to survive economically. Not a good
16 decision, but it's not uncommon.

17 And if Mr. Lockley hustled in his old neighborhood, he
18 did it for himself or his family. He didn't do it to enrich
19 some racketeering enterprise.

20 If that's what he did, he did it for himself and his
21 family.

22 And certainly, if he was involved in that kind of
23 hustling for himself or his family, it was not on a grand scale
24 with huge quantities of illegal substances.

25 One thing we know about Mr. Lockley, and I think the

1 Government conceded it in opening, is he was not a gang member.
2 He was not a Blood. He was not a member of the MMP or the
3 Murdaland Mafia Piru.

4 Ms. Hoffman in her opening said the all-important
5 oath, the all-important Omertà code, the lightning bolt tattoos
6 on necks or cheeks, the M tattoos on someone's face,
7 all-important.

8 Mr. Lockley has none of that. He did not take the
9 oath that was recited, the first words out of the prosecutor's
10 mouth. He never took that.

11 The Omertà code certainly does not apply to him.

12 And when you get down to considering Count 1, you'll
13 see that that's a very specific conspiracy. It refers to a
14 Racketeering Influenced Corrupt Organization called
15 Murdaland Mafia Piru.

16 And Mr. Lockley, the Government concedes and I argue
17 to you was not a member of that. He had not taken an oath,
18 never did. He doesn't have the all-important tattoos. He's
19 not a member of a Bloods set. He's not.

20 He's also not a violent criminal. He's not a member
21 of a racketeering enterprise, and he's certainly not a
22 murderer.

23 Prior to his arrest, the evidence will show
24 Mr. Lockley had moved with a girlfriend and with his family all
25 the way out to Bel Air, Maryland, in Harford County. That is

1 where he was arrested. That is where a search was conducted at
2 the time of his arrest. He's not a violent criminal. He's not
3 a large-scale drug dealer for sure.

4 But Mr. Lockley had a talent. He had a dream of being
5 involved in the production of music in the hip-hop and rap
6 genre. That's clearly part of his reason for being present at
7 a recording studio or during certain music performances and
8 venues.

9 Ladies and gentlemen, in this day and age, certainly
10 it would be unfair and unreasonable to make a judgment about
11 someone's freedom in a criminal trial, a federal criminal
12 trial, based on an attempt to perform certain rap music with
13 nasty lyrics that he didn't even write.

14 But that's the reality that Jamal Lockley lived in.
15 That's the neighborhood that he came from. These are people he
16 knows. But he's clearly not in Murdaland Mafia Piru, and he's
17 not part of a RICO enterprise.

18 So, ladies and gentlemen, as this case unfolds before
19 you, as the testimony comes in and the evidence is presented to
20 you, I ask you to really look at the critical details in this
21 case. Important facts are in the details or in the absence of
22 details.

23 So you know it is the Government's burden of proving
24 this case, proving the important details.

25 I'm asking you to consider also what your reasonable

1 questions are about these details, about the elements of proof.

2 And if you are left with unanswered questions,
3 questions that are not answered by the evidence -- like, for
4 example, who really had access to certain phones at certain
5 times? Who might have -- who could have had access to certain
6 phones at certain times?

7 Also, if it is established that certain areas of the
8 city, certain parts of the city are literally covered with CCTV
9 cameras, closed-circuit TV cameras, where is that video?
10 Wouldn't that be one of the first things that the police would
11 want to see after somebody is shot down in the street?

12 You want to see who's coming and who's going from a
13 certain location.

14 It's out there on these city cameras. You can see on
15 the next street whether a certain car drove down that street.

16 You can see the movement of people on those cameras.

17 So why would we be left with relying on the word of
18 Trouble or someone like that from the witness stand when that
19 evidence should be available?

20 Those are the kind of unanswered questions I ask you
21 to look for in this case.

22 In the end, if reasonable questions are unanswered by
23 the Government's evidence, then that could very well be the
24 basis for reasonable doubt in this case.

25 So I ask that you be alert to that as you hear the

1 testimony, as you receive the evidence.

2 I also ask that, if you're comfortable doing it, that
3 you try to take notes about the testimony of the witnesses as
4 they come in, because it's going to be six or eight weeks
5 before you start to deliberate.

6 And if you're listening to a William Banks testify,
7 that type of witness -- and that might happen as early as this
8 week. Who knows? -- you may make a note about things you're
9 having trouble believing that he says.

10 And you can use that note to remind yourself of that
11 six or eight weeks from now when you go in to deliberate about
12 this case.

13 So I suggest that taking notes is probably a healthy
14 thing to do, if you can do it while you're still listening and
15 observing the witness, which is really the most important
16 thing.

17 Finally, in order to avoid any suggestion of
18 unfairness in the case, I ask you once again to keep foremost
19 in your mind the presumption of innocence as you hear all this
20 testimony.

21 And I ask that you withhold your final judgment about
22 any important issue in this case until the very end of the case
23 when you have all the evidence and you have the benefit of
24 Judge Blake's final instructions on the law that you have to
25 apply to the facts as you find them.

1 If you will approach your job in that way, I'm
2 convinced that Jamal Lockley will have a fair trial. And for
3 now, your fair consideration of the case is all I can really
4 ask.

5 Thank you.

6 **THE COURT:** Thank you, Mr. Trainor.

7 Ms. Amato.

8 **MS. AMATO:** Thank you, Your Honor.

9 I think I can be heard.

10 Okay. Good afternoon, ladies and gentlemen.

11 My name is Elita Amato, and I represent
12 Mr. Corloyd Anderson. And Mr. Anderson and I are sitting
13 directly facing you all at the end of the table there together.

14 In 2016, Mr. Anderson opened up a car-detailing
15 business. It was a car-detailing and car-washing business
16 which he called We Cater to You Motors.

17 And Mr. Anderson, prior to opening up this business,
18 he was able to get experience in car detailing because he
19 also -- he used to work for a mobile car-detailing business; in
20 other words, you could call him up and he would come to your
21 location and -- to detail your vehicle.

22 So in 2016, he decided he would open up his own
23 business, with a specific location where you could come and
24 bring your car and have it car-washed or car-detailed.

25 Now, this location, this business wasn't the most

1 popular place in town. It may not have been the busiest place
2 in town, but he had customers. And he kept, to some degree,
3 records of his earnings.

4 He wasn't the best at keeping records. He wasn't the
5 best recordkeeper, but he tried his best. And this is how
6 Mr. Anderson made his money, from the car-detailing business.
7 He has a wife who was also working.

8 And he also liked to gamble. He would go to casinos,
9 and he would gamble. And some years he would gamble more than
10 other years, and he made money. Some years he would -- you
11 know, he would lose money as well. But he made a good amount
12 of money gambling, and that's how he would make his money.

13 Now, there are some people that are going to come in
14 here and they're going to take the witness stand and they're
15 going to say Mr. Anderson's business was just a front; he had
16 no customers; he wasn't washing any cars.

17 Well, you will learn that law enforcement went to his
18 business. They searched his business. You'll see photographs.
19 It existed. There was a car bay area. He had someone that
20 also would come and work with him and assist him, and he did
21 have ledgers. Again, he wasn't the best recordkeeper. But he
22 had ledgers, and he had a receipt book with receipts in it.

23 And Mr. Anderson also had what was called a -- an
24 auction card, and it was something that permitted him to go to
25 car auctions and purchase vehicles. So that was another way

- DEFENDANT ANDERSON'S OPENING STATEMENT -

1 for him to make his money.

2 Now, we've heard already in this -- in opening
3 statements by all counsel of some individuals that are going to
4 come and testify. We've heard a lot about Mr. William Banks.
5 I'm not going to talk about him.

6 But I am going to talk to you a little bit about
7 someone else the Government may call, whose name is
8 Derran Hankins.

9 And Mr. Hankins was another person who liked to
10 gamble. He'll come and he'll tell you he really liked to
11 gamble. He gambled a lot, and he prided himself in winning a
12 lot of money gambling.

13 And he's going to claim that Mr. Anderson, although
14 Mr. Anderson gambled, that Mr. Anderson was basically gambling
15 to clean money. He's going to claim that Mr. Anderson was
16 actually a drug supplier and that he would go and gamble to
17 clean his money.

18 But you're going to learn something very important
19 about Mr. Hankins: He has serious credibility issues. He's a
20 fraudster. He couldn't help himself. He can't help himself.

21 He's committed bank fraud. He has impersonated a
22 police officer. He has lied to his supervising agent, a
23 federal supervising agent. He has taken the identification of
24 other individuals, and the list goes on. He has no
25 credibility.

- DEFENDANT ANDERSON'S OPENING STATEMENT -

1 And now he's going to come to you because he needs
2 help from the prosecution. He is someone that has pled guilty
3 in a case he's awaiting sentencing on. He actually has two
4 cases in which he may -- one he may be resentenced on or at
5 least he'll have a supervision violation. So he has a sentence
6 that he may have to serve in that older case, plus the more
7 recent case and so he needs help.

8 And so he's come to the prosecution, and he's
9 motivated to say what they need him to say in hopes -- bless
10 you -- that they will speak on his behalf at the time of his
11 sentencing.

12 And there are other witnesses that are similar to
13 Mr. Hankins who will come in and testify against Mr. Anderson,
14 most probably.

15 And they also, like Mr. Hankins, have credibility
16 issues. And they also, like Mr. Hankins, are hoping that the
17 prosecution are going to help him -- help them.

18 They've all entered into what are called special
19 agreements, basically, agreements in which they have agreed to
20 testify and point the finger at Mr. Anderson (indicating) in
21 hopes that the prosecution will then speak on their behalf at
22 their sentencing hearing and that the judge will ultimately
23 sentence them to much less jail time.

24 Now, at the end of the trial, Judge Blake is going to
25 read to you some jury instructions. And these are

1 instructions -- you've already heard her read to you at the
2 beginning of the case some instructions, but these will be much
3 lengthier. And these are instructions that will guide you in
4 your decision-making process of how you are to consider the
5 evidence in deciding the verdict.

6 And Judge Blake will read to you -- I'm going to go
7 through two of these instructions. One of them is that a
8 defendant's mere presence at the scene of an alleged crime does
9 not itself make an individual guilty.

10 So, again, remember that. Mere presence, in and of
11 itself, does not make an individual guilty.

12 Judge Blake will also read to you that evidence of
13 friendship or association without evidence of knowing
14 participation does not permit an inference of guilt nor make a
15 defendant a member of a conspiracy.

16 And both of these instructions come into play as to
17 Mr. Anderson. There will be evidence that Mr. Anderson knew
18 people involved in drug trafficking. There will be evidence
19 that Mr. Anderson knew people that were involved in acts of
20 violence.

21 But his mere knowledge, mere association, mere
22 relationship with them, whether they're family or friends, is
23 not enough to find that he is part of a conspiracy, that he is
24 guilty.

25 And that brings me to ask all of you to be alert not

1 just to what the Government brings to you and introduces to you
2 as evidence, but what they don't have.

3 There will be no evidence that any drugs, any drugs
4 were found in the residence of Mr. Anderson's house, nor at his
5 business.

6 There will be no evidence because there is none, does
7 not exist. There will be no photos of Mr. Anderson supplying
8 anyone drugs or holding any drugs and providing drugs to
9 anyone.

10 There will be no DNA or fingerprint evidence tying
11 Mr. Anderson to any guns in this case.

12 As Mr. Anderson sits before all of you today, he is
13 innocent. Yesterday, when we picked all of you from -- during
14 the voir dire process, Mr. Anderson was innocent. During the
15 whole trial, when witness after witness come and take the
16 stand, Mr. Anderson remains innocent.

17 And even when you go back into the jury room and to
18 deliberate, after you've heard all the evidence, Mr. Anderson
19 remains innocent unless and until you find that the Government
20 has proved his guilt beyond a reasonable doubt.

21 And it is the Government's burden. And that burden
22 never shifts from this table (indicating) to this table
23 (indicating). It always remains on this table (indicating).

24 Mr. Anderson does not have to testify. He does not
25 have to present any witnesses. He doesn't have to present a

1 document to you. And you cannot hold that against
2 Mr. Anderson.

3 And even if Mr. Anderson testifies or he presents
4 witnesses or presents evidence, the Government -- the burden
5 never shifts from the Government to Mr. Anderson.

6 Ladies and gentlemen, I submit to you that after you
7 hear all the evidence in this case, you will find that the
8 Government cannot meet their burden.

9 At the end of the trial, I will have a chance to speak
10 again, like I am now, directly to all of you. At that time I
11 will speak a little longer than I am today, but at that time I
12 will come back and I will ask all of you to find Mr. Anderson
13 not guilty; not guilty of Count 1, to the charge of the
14 racketeering conspiracy; not guilty as to Count 2, to the
15 conspiracy to distribute and possess with intent to distribute;
16 and not guilty on Count 24, which charges him as a felon in
17 possession.

18 Thank you.

19 **THE COURT:** Thank you. Thank you, Ms. Amato.

20 Mr. Hazlehurst.

21 **MR. HAZLEHURST:** Thank you, Your Honor.

22 One thing is not like the others --

23 **THE COURT:** I'm sorry. It's not -- it's not on.

24 **THE CLERK:** Oh, you have to put it on.

25 **MR. HAZLEHURST:** I couldn't get it to connect.

1 Better?

2 **THE CLERK:** That's better. Thank you.

3 **MR. HAZLEHURST:** With apologies to anyone who now has
4 a song from Sesame Street running through your head -- and I
5 confess I was too old to learn from Sesame Street. I grew up
6 on Romper Room and Captain Kangaroo, but my kids watched that
7 show.

8 And I want to take you back to a very simple exercise
9 that they did. They would put a group of items on display,
10 bowls, pictures, whatever, and you would look at those and you
11 would see that one bowl was bigger than the others. One
12 picture might have been blue and all the others were red. And
13 one of those things didn't belong.

14 It's a very simple skill, but it's a very important
15 skill: being able to discern when something doesn't fit a
16 pattern. When something, or in this case someone, doesn't
17 belong.

18 Good afternoon. I was hoping I would be able to say
19 good morning, but courtrooms have their own time frames.

20 Good afternoon. I am Paul Hazlehurst, and I represent
21 Shakeen Davis. And as other counsel pointed out, I only
22 represent Shakeen Davis. I don't represent any of the other
23 defendants.

24 And Mr. Davis is here today because the Government has
25 elected to accuse him of committing a crime, several crimes, in

1 fact. And I'm not going to detail those for you. You've heard
2 enough about that, I think.

3 But I want you to understand, ladies and gentlemen,
4 when the Government elects to accuse someone of committing a
5 crime and puts them in a chair like that, it makes a promise.
6 And that promise is that it can prove beyond a reasonable doubt
7 that that that person committed those crimes.

8 And no one -- not you, not me, not Mr. Davis, not
9 Judge Blake -- has any obligation to do anything, because that
10 promise does belong completely to the Government.

11 It must prove its case beyond a reasonable doubt or
12 fail for all time.

13 Now, you've heard a great deal about what the
14 Government's case is, about the existence of this alleged
15 racketeering conspiracy known as MMP that is a subset of the
16 Bloods gang where the members often display -- if they've taken
17 the oath to join the gang, they have a tattoo of the letter M;
18 that was responsible for selling drugs, acts of violence in
19 Baltimore City, and at least in part the 5200 block of
20 Windsor Mill Road.

21 You've also heard the Government identify Mr. Davis as
22 being part of that conspiracy. They discussed in the opening
23 statement Mr. Davis was a street-level -- younger street-level
24 seller who's friends with Mr. Frazier.

25 And if you look, ladies and gentlemen, Mr. Frazier and

1 both -- Mr. Frazier and Mr. Davis are very young. Mr. Davis is
2 24 years old, younger than any of the other defendants, I
3 believe, in this courtroom.

4 But the Government is also, again, identifying
5 Mr. Davis as being part of this conspiracy and, in doing that,
6 has said he is like all the others; he belongs.

7 So what is the Government going to rely on to be able
8 to honor its promise to you?

9 Well, you've heard that it will rely on recorded
10 telephone calls, intercepted text messages, social media posts,
11 photographs posted on social media and ultimately on
12 cooperating witnesses.

13 And as other counsel have urged you today, ladies and
14 gentlemen, I ask you to bring into this courtroom your
15 common sense, your eyes and your ears, and evaluate for
16 yourself the evidence before you, because you know and you've
17 heard already that the Government is going to urge an
18 interpretation of many of these calls upon you. It's going to
19 urge an interpretation of many of these recorded or intercepted
20 text messages and is going to try and put this in a context to
21 support that Mr. Davis is guilty.

22 But, ladies and gentlemen, as anyone who's ever heard
23 a snippet of a conversation or seen a text out of context, it
24 is very, very difficult to put those pieces in a framework that
25 makes sense.

~~DEFENDANT DAVIS' OPENING STATEMENT~~

1 And there is often an independent, alternative reason
2 for a call or a text, something that explains it in a way that
3 is not consistent with involvement in a conspiracy.

4 The same thing for the social media, the posts and the
5 photographs. Again, bring your eyes and ears. Look at those
6 things. Look at the context in which you hear testimony, the
7 actual items themselves. Make up your own minds.

8 You come in here and you're trusted with the
9 collective wisdom that you bring into this courtroom to
10 determine what the facts are.

11 Judge Blake told you at the beginning of this case
12 that's your job.

13 Now I'm going to ask you in regard to the last source
14 of evidence that I talked about to use one other sense, and
15 that is your sense of smell.

16 You've heard, more times than I think I can count,
17 about at least one witness the Government intends to call,
18 William Banks.

19 And, quite frankly, ladies and gentlemen, Mr. Banks
20 reminds me of an old-time pirate, the kind that would carry a
21 collection of flags on his ship and would hoist the flag that
22 was to his greatest advantage when he needed it, because you've
23 heard already that he went from convicted defendant to
24 confidential informant, to committing crimes while a
25 confidential informant, to convicted defendant. And now he's

~~DEFENDANT DAVIS' OPENING STATEMENT~~

1 going to end up back on the stand, and he's going to end up on
2 the stand testifying on behalf of the Government.

3 So consider those things when you have to make up your
4 mind what, one, the truth of the testimony is and how much you
5 can rely on it.

6 And, ladies and gentlemen, I'd also ask you to
7 question the links that the Government makes between Mr. Davis
8 and involvement in this alleged conspiracy.

9 Mr. Davis is charged with possessing firearms,
10 possessing drugs. He's also alleged to have shot at someone.

11 Now, first, I would ask you, ladies and gentlemen, to
12 determine -- again, using your sense, your good judgment --
13 whether any of these acts occurred.

14 But even if you find that these acts occurred,
15 question whether or not they support Mr. Davis' involvement in
16 this supposed racketeering conspiracy, because that really is
17 the primary focus of this case. That is the primary charge.
18 That's the first count of this indictment.

19 Determine for yourself whether, even if you think
20 Mr. Davis may have committed some of these acts, whether or not
21 that makes him part of this conspiracy.

22 The song is simple: One thing here is not like the
23 others. One thing here does not belong. A simple, simple
24 skill but crucial for determining whether or not the Government
25 can honor its promise to you that Mr. Davis is responsible for

1 the crimes with which he has been charged.

2 And I trust, ladies and gentlemen, at the end of this
3 case you will find that the Government cannot honor that
4 promise and that you will find that Mr. Davis is not like the
5 others and he does not belong.

6 **THE COURT:** Thank you, Mr. Hazlehurst.

7 Mr. Davis.

8 **MR. DAVIS:** Thank you, Your Honor.

9 How's that for sophistication?

10 The last one up. I'm not going to take a real long
11 time.

12 But, first, I'd like to tell you what the purpose of
13 an opening statement is because it's really important because a
14 lot of people have questions about what we're doing up here.

15 An opening statement is not a time for the lawyers to
16 argue about the case. It's not a time for the prosecutors to
17 argue that someone's guilty. It's not a time for the defense
18 lawyers to argue that someone's not guilty.

19 It's a time when the lawyers have the first
20 opportunity to address the jury and to tell them what they
21 believe the facts will be in the case that's going to be
22 presented to you. And it's nothing more or nothing less than
23 that.

24 The evidence here is going to be that Mr. Frazier grew
25 up with one or maybe two of the individuals in this courtroom,

- DEFENDANT FRAZIER'S OPENING STATEMENT -

1 went to school with them, went to grade school with them.

2 Mr. Frazier was 23 years old when he got arrested in
3 this case. He sits at the end of the table over there with me
4 (indicating).

5 The facts here are going to be that he's not in the
6 gang. The facts here -- we expect the facts here to be he's
7 not a rapper. He's not an actor. He's not a writer. He's not
8 the boss of anything. He's a kid growing up in a violent area.

9 Now, the facts that you heard from the United States
10 and you heard from my colleagues, nobody owns those. It's just
11 what happened or what we believed happened through the
12 testimony that will be presented and the evidence that's
13 presented.

14 But nobody owns it.

15 And the Government has the burden -- as my other
16 colleagues pointed out, they have the burden to prove beyond a
17 reasonable doubt the facts to support the charges that they've
18 lodged against the individual defendants. And I'm not going to
19 beat a dead horse here, but the "individual defendants" is
20 important, particularly in a case like this, because you're
21 going to be buried with violence. You're going to be buried
22 with guns. You're going to be buried with all drugs.

23 And then you're going to see all these men sitting
24 over there. You've got to -- and it's going to be hard, but
25 separate each one of them as entitled to your individual

1 assessment of the evidence and for you to look at their charges
2 and see if they're supported.

3 Well, in any event, the Government burden is beyond a
4 reasonable doubt, and that's the reason they gave an opening
5 statement that lasted -- what, an hour, maybe a little more?
6 It's because they have the burden to produce the facts. They
7 have the burden to produce the testimony and the evidence.

8 Mr. Frazier has no obligation whatsoever to present
9 any evidence. He has no burden to produce anything. It's the
10 Government's burden. And if they do not connect it up at the
11 end of the case with respect to Sydni Frazier and the
12 individual charges that have been lodged against him, then it
13 will be your obligation to return a verdict of not guilty.

14 Now, I know there's a tendency when you're listening
15 to massive amounts of information to want to write everything
16 down. I know some people are good at taking notes. Some
17 people aren't. Identify whether you heard you're someone
18 that's good at taking notes or whether you're not.

19 Because the beauty of the jury system is that when you
20 go back into that room seven weeks after hearing all this
21 evidence, it's not going to be one person's memory; it's going
22 to be 12 people and their collective memory.

23 So if you're not a good note-taker, listen very
24 carefully, because particularly with respect to Mr. Frazier,
25 you're going to need to connect dots here to see what's going

- DEFENDANT FRAZIER'S OPENING STATEMENT -

on. So please listen very carefully.

The fact here is that there are going to be some cooperators testifying in the case. I mean, you can draw any conclusions you want about them, but the bottom line is the evidence is going to be they're all testifying to lighten their load and to reduce their jail time.

I think you saw a letter that the one cooperator, William Banks, wrote to the prosecutor telling him how badly -- him or her how badly he wanted to get his freedom back.

Particularly with drug defendants, because the testimony is going to be that drug -- drugs and the feds don't mix well. If you kill somebody, you expect to go to jail forever. If you sell drugs, you don't expect that.

At the end of the case, I will have the opportunity, as will my colleagues, including the United States, to get up and address you and to assist you or at least point you in the direction that we believe the case should go based on all the facts and how it connects up.

And at that time I will tell you why I believe that some aspects of the charges that they have lodged against Sydni Frazier are not supported and the dots don't connect.

Thank you, ladies and gentlemen.

THE COURT: Thank you.

THE CLERK: Mr. Davis, the microphone.

MR. DAVIS: (Hanging.)

1 **THE CLERK:** Thank you.

2 **THE COURT:** All right. I think that's everyone.

3 Ladies and gentlemen, this is a good time for a short
4 break. I'm going to ask counsel to stick around, and we can
5 discuss a couple things before they break. But we'll start by
6 excusing the jury. And I hope when you come back, you'll start
7 hearing some evidence.

8 (Jury left the courtroom at 3:17 p.m.)

9 **THE COURT:** I understand there are a couple of motions
10 in limine that you want to address, Ms. Hoffman?

11 **MS. HOFFMAN:** Thank you, Your Honor.

12 There are two.

13 One is we had moved -- filed a motion in limine to
14 admit certain business records. There had been a motion -- I'm
15 sorry, not a motion, but an objection via e-mail by one of the
16 defense counsel, Mr. Sardelli, for Mr. Banks.

17 No one filed a response to our motion --

18 **THE COURT:** Right. I don't remember any response.
19 Okay.

20 **MS. HOFFMAN:** -- to our motion to admit the business
21 records. And so we did want to address that and hopefully get
22 a ruling because Ms. Perry is planning to use some of those
23 business records, like social media evidence and iCloud
24 evidence, through our first witness.

25 **THE COURT:** Okay. So, right, and my recollection is I

1 didn't get any opposition to the Government's motion to
2 introduce business records.

3 Is there, in fact, any objection?

4 **MR. ENZINNA:** Your Honor, we have no objection to the
5 admission of those records in terms of foundation, those kinds
6 of issues.

7 But these are very voluminous records. And to the
8 extent there are issues of relevancy and things like that, we
9 may still have objections.

10 **THE COURT:** Okay. Can you identify at this point,
11 Ms. Hoffman, whether aside from the question of authenticity
12 and the need not to call any custodians and so forth, there
13 have been motions filed as to any specific exhibit you want to
14 introduce.

15 **MS. HOFFMAN:** So there have not, with one exception.
16 Mr. Bailey did object to the introduction of an iCloud video
17 which shows -- it shows Dante Bailey, his wife, and his wife's
18 juvenile son holding hands. And the son says, "Dear Lord,
19 please kill all these snitches." And then they all say,
20 "Amen," while looking at the camera.

21 There was a motion to exclude that. And that was the
22 second motion that I wanted to bring up right now, because
23 Ms. Perry is planning to introduce that through Agent Aanonsen
24 if it comes in.

25 Other than that, there have not, to my knowledge --

1 and defense counsel can correct me if I'm wrong -- been motions
2 to exclude any of the specific business records, with the
3 exception of the 9-1-1 calls. But those we are not planning to
4 introduce right now.

5 **THE COURT:** All right. Well, then what I'm doing is
6 I'm granting the Government's motion to admit business records
7 so far as it goes to authenticity, custodian, and so forth.

8 If there is an objection -- and I'll come back to the
9 video, but if -- because I recognize they're voluminous.

10 If as an exhibit is being offered any counsel thinks
11 that they have a basis for an objection on relevance or
12 something of that nature, just, you know, immediately indicate
13 that. And we'll take it up as it comes in, and I'll hear about
14 anything you'd like to say in addition about the iCloud video.

15 **MR. ENZINNA:** Yes, I would.

16 But, also, with respect to the iCloud evidence in
17 general, I don't know how the Government's planning to
18 introduce them, whether they're planning to introduce them --

19 **THE COURT:** Sorry. Can't hear you.

20 **MR. ENZINNA:** Oh, I apologize.

21 I don't know how the Government is planning to
22 introduce them, whether they're planning to introduce them
23 individually or as a group.

24 I don't -- the difficulty with that is going to be
25 with the local rule as far as evidence, that if the Government

1 were to produce -- you know, these -- their binders, they're
2 this fat (indicating).

3 And if the Government were to put up that stack in
4 front of the agent, I am not prepared to address them
5 individually.

6 **THE COURT:** Okay. I think each one should be
7 identified separately.

8 But Ms. Hoffman.

9 **MS. HOFFMAN:** So, Your Honor, Ms. Perry is planning to
10 walk up a stack of iCloud exhibits and social media exhibits to
11 Agent Aanonsen. We did turn over drafts of these exhibits in
12 January and early February.

13 And so all of them have been -- the defense counsel
14 have been provided advanced notice of precisely which iCloud
15 exhibits and social media exhibits we intend to use.

16 And so far as I am aware, there have been -- there's
17 been the objection to the snitching video. And I don't believe
18 there have been any other objections to any of those exhibits.

19 **THE COURT:** Right. So what I'm saying here -- and if
20 I'm understanding Mr. Enzinna's point correctly, you can bring
21 them up; you can have a general introduction.

22 But as to each particular clip, video, Instagram,
23 whatever it might be, I expect you'll also be saying, Now we're
24 moving to Exhibit, whatever, 99 before it actually gets played.
25 And that will be the opportunity for defense counsel --

1 **MR. ENZINNA:** That would be fine.

2 **THE COURT:** -- to object.

3 Is that what you're asking for?

4 **MR. ENZINNA:** Yeah. My only concern is I don't want
5 to be in a situation where a stack of evidence comes in and
6 then later when an individual piece of that is played or
7 addressed, that I'm found to have waived that by not addressing
8 it initially.

9 **THE COURT:** Right. Right.

10 **MR. ENZINNA:** So with that understanding, that's fine.

11 **THE COURT:** Okay. I think that's reasonable.

12 Do you want to be heard on the iCloud video?

13 **MR. ENZINNA:** Yes, please.

14 The iCloud video is one of the pieces of evidence that
15 we addressed in the Rule 404(b) motion in limine. And, again,
16 the Government does not assert that these are admissible
17 under -- that this is admissible under 404(b). They argue that
18 404(b) simply isn't applicable here.

19 And, again, I think that 404(b) is applicable because
20 this is evidence that is not intrinsic to the criminal activity
21 charged in this case; that is, it's not inexplicably
22 intertwined or part of the same criminal episode.

23 This is a video of Mr. Bailey and his family, his wife
24 and his child, and they are talking about snitches.

25 Now, the Government argues that this is intrinsic --

1 this relates to the conspiracy because it shows Mr. Bailey's
2 belief that snitches deserve to be killed, because it shows him
3 indoctrinating members of the conspiracy -- i.e., his wife --
4 and it shows his agreement to participate in the enterprise
5 affairs through racketeering activity.

6 And, Your Honor, I would submit that it does none of
7 those things.

8 First of all, well -- first of all, this is going to
9 be -- this is something that Ms. Whalen addressed in her
10 opening; and it's something we're going to be grappling with
11 throughout this trial, which is the extent to which videos are
12 documentaries as opposed to something different.

13 Now, the culture in this part of Baltimore is a very
14 different culture than the culture we live in. It's a culture
15 where there are gangs, where there's violent activity
16 constantly, where people are selling drugs, where people are
17 snitching.

18 And this is something that people talk about in these
19 videos, in the rap videos, and they do it whether or not
20 they're involved in it.

21 Now, if Mr. Bailey and his family -- I mean, you know,
22 I know it sounds extreme, but it's almost like if there were a
23 video of me and my wife and my kid singing a Rocky song. You
24 know, these are things that come out of the air and the culture
25 in the art of the community.

1 **THE COURT:** I think I'm going down your road possibly,
2 but a slightly different way.

3 It's the juvenile son --

4 **MR. ENZINNA:** Yes.

5 **THE COURT:** -- who's saying --

6 **MR. ENZINNA:** Oh, I'm not condoning it. I'm not --

7 **THE COURT:** -- kill --

8 **MR. ENZINNA:** -- saying it's a good thing.

9 **THE COURT:** I'm not either. But it is -- it seems to
10 me -- I may or may not agree with you about what's intrinsic
11 and what isn't, but I think you might also have a 403 argument.

12 **MR. ENZINNA:** Oh, I do.

13 **THE COURT:** Why don't you move to that one.

14 **MR. ENZINNA:** I'm getting to that.

15 I mean, does the Government seriously argue that in
16 this video, Mr. Bailey is, quote/unquote, indoctrinating his
17 juvenile son to become a member of the gang when his son is --
18 I don't know how old he is. He's a kid. He's a little kid.

19 So anyway, I'll turn to 403.

20 **THE COURT:** How old is he, approximately, in this
21 video?

22 **MS. HOFFMAN:** In the video, I believe he's 13 or
23 thereabouts.

24 **THE COURT:** 13?

25 **MR. ENZINNA:** 11?

1 **THE COURT:** Approximately.

2 **MR. ENZINNA:** 11. About 11.

3 **THE COURT:** Okay. 11 to 13. All right.

4 **MR. ENZINNA:** As far as prejudicial value, again,
5 prejudicial impact, the probative value of this video is
6 minimal. I mean, obviously this video is being offered because
7 Mr. Bailey's juvenile son is involved, and it's not a very
8 appetizing video.

9 Is it probative of anything? I mean, is this actually
10 Mr. Bailey acting in furtherance of the MMP conspiracy that's
11 alleged? His son has nothing to do with that, and he's with
12 his wife and his son.

13 He's not with his wife in the context of -- you know,
14 if this were a video of Mr. Bailey and his wife and another
15 alleged member of the conspiracy talking about drugs and
16 talking about killing a snitch, that might be probative.

17 But the notion that he and his wife and his kid are
18 involved in this and that that's somehow furthering or
19 facilitating racketeering activity is just ludicrous.

20 I mean, the entire point of this video is to prejudice
21 the jury, to show them what sort of bad parent this guy is.
22 It's a kid. He's involving his kid in this, and he's saying
23 these terrible things in front of his kid.

24 So I think that this is -- that any probative value of
25 this video is vastly outweighed by its unfair prejudice.

1 **THE COURT:** Okay.

2 **MR. ENZINNA:** And it should be excluded on that basis.

3 **THE COURT:** Let me hear from Ms. Hoffman.

4 **MS. HOFFMAN:** I want to first just discuss what the
5 video actually shows.

6 In the beginning of the video, the three are looking
7 at the camera. The son says, "Dear Lord" -- I believe they
8 have their eyes closed in the beginning. The son says, "Dear
9 Lord, please kill all these snitches."

10 Then Dante Bailey says, "The family that prays
11 together stays together." And then all three of them say,
12 "Amen," while looking at the camera in turn.

13 And so it's our position that Dante Bailey, by saying,
14 "The family that prays together stays together," and by saying,
15 "Amen," is adopting those statements of his son.

16 It's certainly not our intent -- it's unfortunate that
17 it's a juvenile in this instance who's making those statements,
18 but in this case we have charged Dante Bailey and his
19 co-defendants with conspiring to participate in a racketeering
20 enterprise through a pattern of murder, witness tampering, and
21 witness retaliation.

22 And it's going to be a central dispute over the course
23 of this trial whether Dante Bailey did conspire to tamper with
24 witnesses and retaliate against witnesses. And this is highly
25 probative evidence showing his intent to kill witnesses; his

1 belief that witnesses deserve to die; his indoctrination of his
2 wife, who was also a member of the gang, into that belief; and
3 fundamentally him joining the conspiracy and the scope -- the
4 scope of that conspiracy, that this conspiracy encompassed
5 plots to kill witnesses. And so we think it's highly
6 probative, relevant evidence.

7 As to the 403 argument, I think that the
8 Fourth Circuit has said that even when you're dealing with
9 extrinsic evidence -- and I think Your Honor suggested you may
10 agree that this is intrinsic and not extrinsic -- but even when
11 you're dealing with extrinsic evidence, that evidence is not
12 unfairly prejudicial where it's no more sensational or
13 disturbing than the crimes with which the defendant was
14 charged.

15 And so just to give an example, there's -- you know,
16 there's the case of United States versus Powers, a
17 Fourth Circuit case, 59 F.3d 1460, where the Fourth Circuit
18 held that evidence that the defendant repeatedly raped his
19 daughter was not unduly prejudicial where the defendant was
20 charged with aggravated sexual assault of a minor.

21 Here we have evidence that's intrinsic to the case,
22 and we submit that the video is more probative than prejudicial
23 and that it should be admitted.

24 **THE COURT:** All right. Thank you.

25 At this time, unless something changes and some door

1 is opened, I'm going to exclude this video under Rule 403.

2 I think it has some probative value that may be
3 intrinsic in the sense that this is the kind of conduct that's
4 charged.

5 But I think the introduction of a juvenile boy, first
6 of all, is unfairly prejudicial and doesn't go to any of the
7 other issues in the case.

8 It's not as though -- again, this is a group of other
9 unrelated or even one other unrelated person involved in the
10 video. And it is -- as has been described, it's a personal,
11 internal family video, which I think is very likely to unfairly
12 prejudice the jury against Mr. Bailey because of the
13 involvement of the juvenile son, which is not sufficiently
14 probative and anything to outweigh that prejudice.

15 Okay. We'll take a short recess.

16 And you're still planning to call the Special Agent?

17 **MS. HOFFMAN:** We are planning to call
18 Special Agent Aanonsen.

19 **THE COURT:** Something else you want to say?

20 **MS. PERRY:** I'm sorry, Your Honor. I just wanted to
21 clarify one point.

22 With respect to the iCloud evidence, I am certainly
23 understanding Your Honor's ruling and have no problem with
24 that. Each of those exhibits is individually identified. Each
25 photo is individually identified.

1 And so I will -- I understand that I can show them to
2 the witness, but that they won't be admitted until each
3 individual photo is identified.

4 **THE COURT:** Right.

5 **MS. PERRY:** Unfortunately, with respect to the other
6 social media evidence, each individual account has its own
7 exhibit number.

8 And it's just excerpts of those accounts. It's not
9 the full entirety of the business record, but just certain
10 pages of it which, again, were provided to the defense
11 attorneys.

12 And so I do intend to identify the specific page I'm
13 turning to, but the exhibit itself is singularly marked. So
14 one exhibit has Exhibit 1; I will turn to Pages 1 or 13 or 14.

15 **THE COURT:** Okay.

16 **MS. PERRY:** So I just don't know how Your Honor would
17 like me to --

18 **THE COURT:** Well, I'll just let defense counsel
19 reserve the right to make an objection to a specific page --

20 **MS. PERRY:** Certainly.

21 **THE COURT:** -- out of an exhibit --

22 **MS. PERRY:** Thank you.

23 **THE COURT:** -- if they think an objection is justified
24 as they see it.

25 **MS. PERRY:** Thank you. I just wanted to clarify it.

1 **THE COURT:** Okay.

2 **MS. PERRY:** Thanks.

3 **THE COURT:** All right. Thank you, all. See you
4 shortly.

5 (Recess taken.)

6 **THE COURT:** All right. We'll get the jury.

7 (Jury entered the courtroom at 3:50 p.m.)

8 **THE COURT:** All right. Welcome back, ladies and
9 gentlemen.

10 We can bring in the gallery.

11 All right. Is the Government going to call a witness?

12 **MS. PERRY:** Yes, Your Honor.

13 At this time the Government calls Special Agent
14 Christian Aanonsen.

15 **THE COURT:** All right.

16 **THE CLERK:** Please raise your right hand.

17 SPECIAL AGENT CHRISTIAN AANONSEN, GOVERNMENT'S WITNESS,
18 SWORN.

19 **THE CLERK:** Please be seated.

20 Please speak directly into the microphone.

21 State and spell your full name for the record, please.

22 **THE WITNESS:** My name is Christian Aanonsen. First
23 name, common spelling; last name is A-A-N-O-N-S-E-N.

24 **THE CLERK:** Thank you.

~~AANONSEN - DIRECT~~

DIRECT EXAMINATION

BY MS. PERRY:

Q. Good afternoon.

A. Good afternoon.

Q. Where do you work?

A. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives in Baltimore, Maryland.

Q. And is that agency commonly referred to as ATF?

A. It is.

Q. What are your duties and responsibilities as a Special Agent with the ATF?

A. We investigate violations of federal law, including acts of violence, firearms violations, explosive violations, arson violations. And we can enforce the full umbrella of federal law, to include drug-trafficking offenses and things of that nature.

Q. How long have you been a Special Agent with ATF?

A. Almost five years.

Q. And before joining ATF, what did you do?

A. I was a police officer for two years in Fort Dix, New Jersey.

Q. Agent Aanonsen, in your capacity as an ATF Special Agent, did you become involved in an investigation into a group of individuals who were operating in Northwest Baltimore?

A. Yes.

~~AANONSEN - DIRECT~~

1 Q. And did this group go by a specific name?

2 A. Yes; the Murdaland Mafia Piru.

3 Q. Did the group abbreviate the name in any way?

4 A. We saw it frequently abbreviated as MMP. Sometimes it
5 went by "the mob" as well.

6 Q. And was this group associated with any larger group?

7 A. Yes. They were a subset of the Bloods street gang that
8 originated out of the West Coast, California.

9 Q. And just generally, what does the word "Piru" mean based
10 on your investigation?

11 A. "Piru" refers to a street in California that the gang
12 associates themselves with.

13 Q. What was your role in this investigation?

14 A. I was the case agent, the lead investigator.

15 Q. What other law enforcement agencies, if any, were involved
16 in the investigation?

17 A. In the summer of 2015, Homeland Security Investigations
18 and the Baltimore County Police conducted a wiretap
19 investigation on members up in the area.

20 They conducted eight wiretaps on phones belonging to
21 various members up there.

22 ATF and Baltimore City Police also conducted investigation
23 in the summer of 2016.

24 Q. Were there other agencies involved? For example, was
25 Baltimore County involved?

~~AANONSEN - DIRECT~~

1 A. Yes, Baltimore County was also involved.

2 Q. And were there other local and state law enforcement
3 agencies who were involved in this investigation?

4 A. Yes.

5 Q. Approximately when did the investigation begin?

6 A. Approximately 2015 is when Baltimore County and
7 Homeland Security started their investigation, and we initiated
8 ours early 2016.

9 Q. And even before Homeland Security and Baltimore County and
10 ATF began investigating, was the Baltimore Police Department
11 involved in this particular area?

12 A. Yes.

13 Q. And had they, in fact, been investigating other incidents
14 in territories that your investigation also focused on?

15 A. Yes.

16 Q. Can you tell us where geographically the investigation was
17 focused.

18 A. Geographically, the main areas were in the northwest area
19 of Baltimore City.

20 Q. Were there any specific territories or areas that became
21 specific within the northwest area of Baltimore?

22 A. Yes; the 5200 block of Forest Park and Windsor Mill and
23 the 4600 block of Gwynn Oak and Liberty.

24 Q. Over the course of your investigation, did you learn about
25 any other territories that MMP operated?

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1 **A.** Yes. Through references to it in some of their propaganda
2 videos and some of the writings that we recovered, they
3 referenced 27th and Boone in the Eastern District of
4 Baltimore City and Laurretta and Warwick in the
5 Western District.

6 **Q.** But to be clear, did your investigation focus on the two
7 areas you named, the 5200 block of Windsor Mill and the
8 4600 block of Gwynn Oak and Liberty Heights?

9 **A.** Yes, that's primarily where we focused.

10 **Q.** I want to show you what's been marked as
11 Government's Exhibit -- if I can just have one brief second --
12 show you what's been marked as Government's Exhibit DEM-2.

13 Can you explain what we're looking at here,
14 Agent Aanonsen.

15 **A.** This is the city boundaries of Baltimore City, highlighted
16 in the large area in red. All the way out on the left -- is
17 this touch . . .

18 In the middle of the left overlapping the boundary of the
19 city is the 5200 block of Windsor Mill and Forest Park.

20 Above that is the 4600 block of Gwynn Oak and Liberty.

21 Diagonal down towards the middle of the city is Laurretta
22 and Warwick in the Western District, and then 27th and Boone
23 would be the one furthest to the right.

24 **THE COURT:** It's getting a little harder to hear you
25 when you're moving away from the mic.

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1 **THE WITNESS:** Oh, I'm sorry.

2 **BY MS. PERRY:**

3 **Q.** So let me show you DEM-10.

4 Is this what you were just describing, that the box
5 labeled 1 is the area around Windsor Mill and Forest Park?

6 **A.** That's correct.

7 **Q.** And the box, the smaller box labeled 2 is in the area of
8 Gwynn Oak and Liberty Heights?

9 **A.** Yes.

10 **Q.** And the boxes labeled 3 and 4 were those other areas you
11 had just described?

12 **A.** Yes.

13 **Q.** I want to focus specifically on one of these areas. So
14 I'm going to show you what has been marked MAP-34.

15 Can you tell us what we're looking at here,
16 Agent Aanonsen.

17 **A.** This is a overhead view of the area of the 5200 block of
18 Windsor Mill, Forest Park, and the surrounding areas.

19 **Q.** And can you describe using Government's Exhibit MAP-34 the
20 areas that were relevant to your investigation.

21 **A.** The star at the intersection that says "BP," that is the
22 BP, British Petroleum, gas station that the gang claimed as
23 their headquarters at the intersection of Forest Park and
24 Windsor Mill Road.

25 Down the street you'll see Tucker Lane, Dickey Hill, and

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1 Crimea Road, that apartment complex they frequently used.

2 The Gwynnbrook townhomes and also blue --

3 **Q.** Just to stop you a second, just to orient someone, you
4 were just speaking about the area that's in the upper right
5 portion of the exhibit?

6 **A.** Yes. I don't think my touchscreen is working.

7 **Q.** And were there other areas that were relevant to your
8 investigation that are depicted on MAP-34?

9 **A.** Yes. There's two other red dots on the bottom portion of
10 the screen. One is labeled the Gwynnbrook townhomes and the
11 other the Blue Fountain apartments.

12 **Q.** And how were those areas relevant to your investigation?

13 **A.** They frequently operated in those areas, holding meetings
14 and selling narcotics.

15 **Q.** Agent Aanonsen, can you give us a high-level overview of
16 some of the investigative techniques the ATF and the other
17 law enforcement agencies you described used during the course
18 of the investigation into MMP.

19 **A.** Yes. We used surveillance. We used wiretaps,
20 Pen Registers, which basically record incoming and outgoing
21 numbers to phones.

22 We used GPS location data. We used search warrants,
23 search warrants on cell phones, search warrants on social media
24 sites. We used cell tower mapping data to map where phones had
25 been or where they had connected to on towers. Search warrants

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on vehicles and residences.

Q. I want to start specifically with the wiretaps you described. You mentioned earlier that there were several wiretaps conducted. When were the wiretaps conducted in this case?

A. Homeland Security investigation, along with Baltimore County Police, conducted eight wiretaps in the summer of 2015. ATF and Baltimore City Police conducted three wiretaps. We applied for four but only successfully intercepted three of the lines.

Q. And when were those ATF wiretaps conducted?

A. In the summer of 2016.

Q. And over the course of the wiretaps that you've just described -- I believe you described 11 functioning lines -- were any of the defendants intercepted over those wiretap calls?

A. Yes, they were.

Q. And can you tell the jurors which of the defendants were intercepted over those lines, just generally.

A. Generally, Dante Bailey, Randy Banks, Jamal Lockley, Corloyd Anderson, and I don't believe we identified Shakeen Davis or Sydni Frazier.

Q. And what about other members or associates of MMP; were those individuals -- any other individuals intercepted over those 11 wiretap lines?

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A. Yes.

Q. I'm going to come back to the wiretap calls with you in a little bit.

But in addition to the wiretaps, did your investigation involve all of the other things you described?

A. Yes.

Q. And did it involve interviewing witnesses?

A. Yes, it did.

Q. Can you describe how ATF would attempt to interview witnesses and the results of such interviews, just generally in an overview way.

A. Generally, when we attempted to identify witnesses from the area, we experienced a lot of reluctance for fear of reprisal or retaliation for cooperating with law enforcement. And people were --

MR. ENZINNA: Objection.

THE COURT: Sustained. Objection sustained.

The jury will disregard.

BY MS. PERRY:

Q. Agent Aanonsen, over the course of the investigation, did the ATF have to relocate witnesses and their families at certain times?

A. Yes.

Q. You also mentioned that -- I believe you mentioned that search warrants were conducted on residences over the course of

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1 the investigation. Were these residences residences belonging
2 to the defendants or their associates?

3 **A.** Yes.

4 **Q.** Can you give us a general overview of the general results
5 of those kinds of investigative techniques.

6 **A.** Through conducting the search warrants, we recovered
7 narcotics, firearms, gang paraphernalia, cell phones, indicia
8 of ownership, residency.

9 **Q.** You also, I believe, mentioned that there were occasions
10 when the ATF and the other agencies conducted physical
11 surveillance of the defendants and other members of MMP.

12 Can you summarize the locations that were surveilled over
13 the course of the investigation.

14 **A.** Primarily, we conducted most of our surveillance in the
15 area of the BP Gas station, 5200 Windsor Mill/Forest Park and
16 4600 Liberty and Gwynn Oak area.

17 **Q.** Over the course of the investigation, did you also collect
18 and review video footage relating to incidents in the area?

19 **A.** Yes.

20 **Q.** Over the course of your investigation, were there also any
21 forensic evidence collected?

22 **A.** Yes. There was DNA evidence that was collected. There
23 was also ballistics evidence, shell casings recovered from
24 crime scenes.

25 **Q.** And was testing ever requested and conducted over the

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1 course of the investigation on some of those items, just
2 generally?

3 **A.** Yes.

4 **Q.** Agent Aanonsen, what is a controlled purchase?

5 **A.** A controlled purchase is where we will wire up a -- an
6 individual, usually a confidential informant, with audio- and
7 video-recording devices or a vehicle that's equipped with an
8 audio-recording video -- audio- and video-recording device,
9 send them into the area, and they will make a
10 controlled purchase with prerecorded money that we've supplied
11 them of either narcotics or firearms or things of that nature.

12 **Q.** And was this a tactic used over the course of your
13 investigation?

14 **A.** Yes.

15 **Q.** Now, when you mentioned the search warrants, you mentioned
16 that cell phones were recovered in some of the search warrants.
17 What was done with those cell phones?

18 **A.** We made our best efforts to download all the cell phones,
19 conduct search warrants on them.

20 **Q.** So the downloads that you attempted to do were pursuant to
21 search warrants?

22 **A.** Yes.

23 **Q.** And what kinds of evidence were you able to recover from
24 search warrants based on cellular telephones?

25 **MR. ENZINNA:** Objection, Your Honor.

1 Can we approach?

2 **THE COURT:** Yes.

3 (Bench conference on the record:

4 **MR. ENZINNA:** Your Honor, I object to this
5 generalization of the results of these investigations. To the
6 extent there's evidence in the case, that can be shown when
7 it's relevant.

8 I don't understand the relevance of him talking about
9 generally what was recovered from these different investigative
10 techniques.

11 **THE COURT:** Ms. Perry?

12 **MS. PERRY:** Your Honor, I'm just attempting to
13 establish an overview. Agent Aanonsen is the case agent in the
14 case, and so I would just like to lay a foundation for the
15 jurors as to the types of evidence that they're going to see
16 over the course of the trial and give them a brief explanation
17 of those kinds of things and what they are.

18 I mean, I can certainly move along and not get him --
19 ask him fewer specifics about it.

20 But I do believe that he's qualified to testify about
21 just generally what tactics were taken through the course of
22 the investigation and what investigative techniques were used.

23 **THE COURT:** You certainly have some leeway to give
24 background. But I think the danger, the risk is, here, that
25 everybody's sort of getting lumped together. There's not a

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1 specific breakdown of what evidence applies to whom. And I
2 don't think there's a whole lot of relevance if you -- to going
3 beyond. I mean, if you really want the jury just to know that
4 cell phones were recovered and searched, period, that's one
5 thing.

6 But getting into what was recovered in a general way
7 that could apply to anybody I think is really not --

8 **MR. ENZINNA:** The objection --

9 **THE COURT:** -- a good idea.

10 **MR. ENZINNA:** The objection is not to him talking
11 about the tactics that were used. It's about the results.

12 **THE COURT:** Right. It's the results. And I'm
13 agreeing with you. So I'm sustaining the objection.

14 **MR. ENZINNA:** Thank you.)

15 (Bench conference concluded.)

16 **THE COURT:** Just move on, Ms. Perry.

17 **MS. PERRY:** Yes, Your Honor.

18 **BY MS. PERRY:**

19 **Q.** Agent Aanonsen, were cell phones recovered belonging to
20 any of the defendants in this particular case?

21 **A.** Yes.

22 **Q.** And which of the defendants in this case were cell phones
23 recovered from?

24 **A.** Dante Bailey, Randy Banks, Jamal Lockley,
25 Corloyd Anderson, Shakeen Davis, and Sydni Frazier.

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1 Q. Over the course of your investigation, Agent Aanonsen, did
2 you execute search warrants on social media accounts belonging
3 to the defendants and other individuals who were relevant to
4 your investigation?

5 A. Yes.

6 Q. And did those search warrants include accounts belonging
7 to Defendants Dante Bailey, Jamal Lockley, Shakeen Davis,
8 Sydni Frazier, as well as other individuals relevant to your
9 investigation?

10 A. Yes.

11 Q. I want to at this point show you a large stack of items
12 here which are marked as Government's Exhibits SM-1 through
13 SM-22.

14 MS. PERRY: Your Honor, permission to approach?

15 THE COURT: Sure.

16 BY MS. PERRY:

17 Q. (Hanging.)

18 Agent Aanonsen, did you have an opportunity -- first of
19 all, are you familiar with these items that are in front of
20 you?

21 A. Yes.

22 Q. And are they documents as well as discs?

23 A. Yes.

24 Q. And have you had a chance to review them before coming to
25 court today?

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1 **A.** Yes, I have.

2 **Q.** Generally speaking, what is contained in the items in
3 front of you?

4 **A.** These are excerpts from social media accounts we did
5 search warrants on and the discs containing copies of the
6 videos that we downloaded as well.

7 **Q.** And are these excerpts from Facebook and Instagram
8 accounts?

9 **A.** Yes.

10 **Q.** And are they business records that were returned or
11 excerpts of the business records that were returned?

12 **A.** Yes.

13 **Q.** Are they accurate excerpts of the business records that
14 you received over the course of the investigation?

15 **A.** Yes, they are.

16 **Q.** And have they been modified or altered in any way?

17 **A.** They have not been modified or altered in any way except
18 certain things have been highlighted to show relevance.

19 **Q.** So in certain of the excerpts, there have been sort of
20 boxes drawn --

21 **A.** Yes.

22 **Q.** -- or things highlighted?

23 But other than that, are they accurate excerpts?

24 **A.** Yes, they are.

25 **Q.** So what is also in front of you are

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1 Government's Exhibits SM-23 through SM-40.

2 Are you familiar with those as well?

3 A. Yes.

4 Q. And have you had a chance to review those before coming to
5 court today?

6 A. I have.

7 Q. And generally speaking, what are those? Are they
8 screenshots from social media accounts?

9 A. Yes, they are.

10 MR. ENZINNA: Your Honor, object to the leading.

11 THE COURT: Overruled on that point.

12 BY MS. PERRY:

13 Q. And can you explain how you obtained SM-23 through SM-40.

14 A. They were publicly accessible social media pages. So when
15 I saw something that involved one of the defendants, we would
16 take a screenshot of it and preserve it.

17 Q. And are SM-23 through SM-40, have they been altered or
18 modified in any way?

19 A. No, they have not.

20 Q. And are they as they appeared when the screenshots were
21 taken?

22 A. Yes.

23 Q. Agent Aanonsen, over the course of the investigation, did
24 you also execute a search warrant on an iCloud account?

25 A. Yes.

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1 Q. And whose account was that?

2 A. Dante Bailey's.

3 Q. What was the name on that account?

4 A. Wolfmobb@icloud.com.

5 Q. I want to show you Government's Exhibits IC-1 through
6 IC-141 (handing).

7 Are you familiar with these exhibits?

8 A. Yes. They're excerpts from the iCloud account.

9 Q. And have you had a chance to review them before coming to
10 court today?

11 A. Yes.

12 Q. And are they -- are they documents as well as discs that
13 are in front of you?

14 A. Yes, they are.

15 Q. And what is contained in those documents and discs?

16 A. Excerpts from the iCloud account, and the discs are
17 downloads of videos.

18 Q. Is there also a screenshot of metadata for one of the
19 photos contained within those exhibits?

20 A. Yes.

21 Q. And are they accurate excerpts of the business records
22 that you received over the course of the investigation?

23 A. Yes.

24 Q. Have they been altered or modified in any way?

25 A. No, they have not.

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1 Q. Finally, I want to show you Government's Exhibits YT-1
2 through 15 (handing).

3 Do you recognize this disc?

4 A. Yes.

5 Q. What is it?

6 A. It is downloads of publicly accessible YouTube videos.

7 Q. And are the exhibits contained on that disc, YT-1 through
8 YT-15, accurate representations of what you observed on the
9 publicly available site?

10 A. Yes.

11 Q. Have they been altered in any way?

12 A. No.

13 Q. So we've talked about some of the investigative techniques
14 used over the course of your investigation.

15 I want to introduce the jury to the names and faces we're
16 going to hear about during the course of the trial and
17 beginning with the defendants.

18 So I'm going to show you Government's Exhibit IND-3.

19 Who are we looking at here?

20 A. That's Dante Bailey, a/k/a Gutta, a/k/a Wolf,
21 a/k/a Almighty.

22 Q. And is Mr. Bailey sitting in the courtroom today?

23 A. Yes, he is; in a white button-down shirt and a tie.

24 Q. Now, Agent, I want to show you what just came into
25 evidence as SM-1. This is Page 1 of SM-1.

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1 Looking at the first page of SM-1, can you tell us what
2 this page is.

3 **A.** This is Page 1 of the Facebook business record of
4 Dante Bailey's Facebook account.

5 **Q.** And what is the name -- the vanity name associated with
6 this Facebook page?

7 **A.** Dante the Great.

8 **Q.** And what is the name it is registered to?

9 **A.** DantetheGreat@facebook.com.

10 **Q.** Is there an e-mail address that is associated with this
11 account?

12 **A.** Yes; guttaman667@gmail.com.

13 **Q.** And were you able to determine who was operating this
14 Facebook account?

15 **A.** Yes.

16 **Q.** Who was operating the account?

17 **MR. ENZINNA:** Objection, Your Honor.

18 **THE COURT:** Do you want to come up to the bench.

19 (Bench conference on the record:

20 **THE COURT:** What answer are you expecting?

21 **MS. PERRY:** I believe he's going to say that it is
22 Dante Bailey's Facebook account based on the content of the
23 account and the number of pictures of Mr. Bailey, that he
24 believes it was Mr. Bailey who was operating the account.

25 **MR. ENZINNA:** That's the basis of the objection. I

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1 think he needs to state -- the question was: Were you able to
2 determine whose account it was?

3 And he said: Yes.

4 And now if it's based on the pictures in it, that --
5 the question whether that's a determination is -- it may be his
6 opinion that that's whose account it was, but I think he needs
7 to state how it is he determined whose account it was.

8 **THE COURT:** Okay. Why don't you take him to the
9 pictures first --

10 **MS. PERRY:** Sure.

11 **THE COURT:** -- and then to a determination if there's
12 a basis for it.

13 **MS. PERRY:** Sure.

14 **THE COURT:** Okay.)

15 (Bench conference concluded.)

16 **BY MS. PERRY:**

17 **Q.** Agent Aanonsen, I'm going to direct you to Page 24 of
18 SM-1.

19 Can you tell us who we're looking at here.

20 **A.** That's Dante Bailey.

21 **Q.** And were there other photographs contained within SM-1?

22 **A.** Yes; a voluminous amount.

23 **Q.** And was there a particular individual who featured
24 prominently in SM-1?

25 **A.** Yes.

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1 Q. Who is that?

2 A. Dante Bailey.

3 Q. And based on that, did you come to a determination about
4 who you believed was operating this account?

5 A. Yes. Based on the voluminous amounts of information
6 contained relating to Dante Bailey, including videos and
7 pictures, we believed it to be operated by Dante Bailey.

8 Q. Now, I'm going to come back to SM-1 in just a few minutes,
9 but I want to show you what has already come -- I'm going to
10 show you Government's Exhibit IC-33, which is an exhibit from
11 that iCloud account you just described.

12 Looking at IC-33, can you tell us who's in this photo.

13 A. That's Dante Bailey.

14 Q. And could you read the text on the photo for us.

15 A. Across the middle in red letters it says [reading]:
16 Murdaland Mafia Godfather.

17 In the bottom right it says [reading]: Gutta Almighty.

18 Q. Also from the iCloud account, I'm going to show you
19 IC-26 -- I'm sorry, IC-11.

20 Can you tell us what we're looking at here.

21 A. That is the side of the BP gas station at Forest Park or
22 Windsor Mill Road, which is in the 5200 block, and that's
23 Dante Bailey.

24 Q. And how do you recognize this to be that BP gas station?

25 A. It's featured numerous times in various videos. We've

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1 done a lot of surveillance up there. We've become very
2 familiar with it.

3 Q. And looking behind the individual in IC-11, what is on the
4 wall of -- that's behind the individual in the photo?

5 A. In large numbers, it says "5200." In between each zero is
6 an M. Down the left-hand side it says "GMB." And below the
7 5200 it says, "Pull up at your own risk."

8 Q. Now, I want to show you another excerpt from the
9 iCloud account. This is IC-14.

10 Can you tell us what we're looking at here.

11 A. It's a photograph of Dante Bailey standing beneath a
12 street sign that says "Piru Street."

13 Q. And can you tell what is happening with his hands.

14 A. He appears to be making an M with his hands.

15 Q. And based -- I'm sorry.

16 Were there other photos similar to this one on the
17 iCloud account that we were just discussing?

18 A. Yes.

19 Q. And who were those photos of?

20 A. Dante Bailey.

21 Q. And based on that, did you come to a determination about
22 who was operating the iCloud account?

23 A. Yes. Based on the numerous amount of photos of
24 Dante Bailey, we believed it to be operated by Dante Bailey.

25 Q. So I'm going to turn back to the Facebook page

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1 Dante the Great and show you SM-1, Page 44.

2 Can you tell us who is in this photograph.

3 **A.** It's Dante Bailey.

4 **Q.** And what is happening with Mr. Bailey's hands?

5 **A.** He's putting his pointer fingers together and extending
6 his middle fingers to create what appears to be an M.

7 **Q.** Staying with SM-1, I'm going to turn your attention to
8 Page 88.

9 Can you tell us who is in this photograph.

10 **A.** It's Dante Bailey.

11 **Q.** And are you able to read the shirt that Mr. Bailey is
12 wearing?

13 **A.** Yes.

14 **Q.** What does it say?

15 **A.** "52 MMP."

16 **Q.** I'm going to show you Page 89 of SM-1.

17 **MR. ENZINNA:** Excuse me.

18 (Counsel conferred.)

19 **MS. PERRY:** Court's indulgence.

20 (Counsel conferred.)

21 **BY MS. PERRY:**

22 **Q.** So, Agent Aanonsen, I'm showing you on the left side of
23 the screen, which is SM-1, Page 88, it is Page 946 of the
24 Facebook business record return. And on the right-hand of the
25 screen is SM-1, Page 89, which is Page 947 of the Facebook

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1 business record return.

2 Is -- looking on the right-hand side of the screen,
3 Page 89 of the exhibit, is this the title for the photograph
4 that we're seeing on the left side of the screen?

5 A. Yes, it is.

6 Q. And what is the title of this particular photograph?

7 A. [Reading]: LaEMM number 4, life.

8 Q. Now, this term "LaEMM," is that something that you came
9 across again in your investigation.

10 A. Yes.

11 Q. I'm going to show you SM-1, Page 64.

12 This is Page 813 of the business record -- of the Facebook
13 business record corresponding to Dante the Great.

14 Can you tell us if you can identify the individual in this
15 particular photograph.

16 A. Yes. It's Dante Bailey.

17 Q. And can you tell us what he's doing with his hands in this
18 particular photograph.

19 A. He has his right hand extended upwards with five fingers
20 up. His left hand is also extended upwards with two fingers
21 up.

22 Q. And, again, can you remind us what location figured
23 prominently in your investigation into Murdaland Mafia Piru.

24 A. The 5200 block of Windsor Mill/Forest Park.

25 Q. And what is on the back of the shirt that the individual

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1 in the photograph is wearing?

2 **A.** It's a shield outline with the letter M in the middle.

3 And below it, it says "gang."

4 **Q.** I'm going to show you Page 32 of SM-1. This is Page 489
5 of the Facebook business record.

6 Can you tell us who's in this particular photograph.

7 **A.** It's Dante Bailey.

8 **Q.** And can you see what Mr. Bailey has tattooed across his
9 stomach.

10 **A.** Yes. It says "mafia."

11 **Q.** And what about around his collar?

12 **A.** Not in this photograph, I can't, on the screen.

13 **Q.** Let me see if I can zoom it in.

14 This is not the best photograph.

15 Looking instead on to the left side of Mr. Bailey's chest,
16 can you tell us what you see there.

17 **A.** It appears to be an M.

18 **Q.** I'm going to turn your attention to Page 28 of SM-1, which
19 is Page 471 of the Facebook business record return.

20 Can you tell us who is depicted in this particular
21 photograph.

22 **A.** Yes. Based on the continuation of the tattoos around the
23 sides of the arm from the previous photo we just saw, this is a
24 back shot of Dante Bailey.

25 **Q.** And can you tell us what's written across the middle of

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1 Mr. Bailey's back.

2 A. It says "general," with five stars around it.

3 Q. And what about just above the "general"?

4 A. It says [reading]: B-More Blood.

5 Q. And what is depicted on the shoulders of the individual in
6 the photograph?

7 A. They appear to be firearms.

8 Q. And what about at the top of -- the middle of the top of
9 Mr. Bailey's back?

10 A. It says "ABK."

11 Q. So I want to turn back for just a moment to the
12 iCloud account. This is IC-31.

13 Can you tell us what we are looking at here.

14 A. This is a tattoo. It's a shield. In the middle of the
15 shield is a large P. Flanked by each side is the letter M.
16 And then it says [reading]: My blood is my honor. My honor is
17 my blood.

18 Q. And, again, was this a photograph recovered from the
19 iCloud account you described as Dante Bailey's iCloud account?

20 A. Yes.

21 Q. Turning now to IC-32.

22 Can you tell us what this is a picture of.

23 A. It's a tattoo of a shield. It says [reading]: If I ever
24 dishonor you, take my blood.

25 Flanking both sides of the shield, on the left side it

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1 says "Wolf"; on the right side it says "Pack"; in the middle
2 appear to be the letters W and P.

3 Q. And I believe you told us this earlier, but what were some
4 of the nicknames Mr. Bailey used?

5 A. He went by Wolf. Sometimes he's referred to in paperwork
6 as Werewolf.

7 Q. So I want to turn back to SM-1, the Dante the Great One
8 Facebook account, and show you Page 14, which is Page 345 of
9 the Facebook business record. And I'm going to zoom in here on
10 the red box.

11 And just to be clear, is this red box one of the ones that
12 you described earlier as being added to the excerpt?

13 A. Yes.

14 Q. So looking, focusing your attention here on what's been
15 outlined in red, can you tell us, first of all, what was the
16 date that the top thing was -- is there a date, rather, on the
17 top of this box?

18 A. Yes.

19 Q. What is that date?

20 A. January 13th, 2013.

21 Q. And what type of posting is this?

22 A. It's a comment.

23 Q. And can you read the summary for us.

24 A. [Reading]: Dante Great One commented on a post from
25 December 19th, 2012. Big Wolfe, with an E, question mark, cut

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1 the fuckin' crap. "N" word, I'm the only Big Wolfe, Playboy.

2 Q. And what about this comment below that? Can you read that
3 comment to us.

4 A. Yes. Same date, it's a comment. It says [reading]:
5 Dante Great One commented on a post from December 19th, 2012.
6 "N" words need to be seen in these streets. If the gun talk
7 about how fucked up shit is, let me see y'all faces out here,
8 mob, exclamation, exclamation, exclamation.

9 Q. Turning to SM-1 again and looking at Page 16, which is
10 Page 365 of the Facebook business record, and zooming in on the
11 red box here, what kind of posting are we looking at here?

12 A. It's a comment.

13 Q. And can you tell us what the comment says.

14 A. [Reading]: Dante Great One commented on a post from
15 February 21st, 2011. Get money or get lost, exclamation.
16 Number 5 deuce, dope boy mafia.

17 Q. Turning now to the same exhibit, SM-1, and looking at
18 Page 111 to Page 1316 of the Facebook business record.

19 And looking here at the middle of the screen, can you tell
20 us what -- first of all, who -- looking at the top, is there a
21 particular author of this?

22 A. Yes. Bear Williams.

23 Q. And who is the recipient?

24 A. Dante Great One.

25 Q. And what is the body of the text here?

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1 A. [Reading]: What's mobbin', homie.

2 Q. And was there a response?

3 A. Yes.

4 Q. And what does that say?

5 A. It says [reading]: Author, Dante Great One. Recipients,
6 Bear Williams. Body, spit da2ms.

7 Q. And over the course of your investigation, did you
8 routinely see references to 2ms?

9 A. Yes.

10 Q. And does Murdaland Mafia actually begin with two M's?

11 A. Yes, it does.

12 Q. So turning now to Page 18 of this exhibit, SM-1, this is
13 Page 375 of the excerpt. I'm looking here, first, at the top
14 box that is highlighted in red.

15 Can you tell us what the status is here.

16 A. [Reading]: I hope all you bitch Ns think you can breathe.
17 You can have this summer. Last summer was mines. But next
18 summer, that's ours, dot, dot, dot, 5200GMB.

19 Q. And looking here at a comment later down on the screen,
20 what does that say?

21 A. [Reading]: All my fuckin' brothers are pinched. I'm
22 tired of this shit. Tell the fuckin' Governor, Strap up. I'm
23 coming straight at you. EMMS.

24 Q. Turning to Page 19 of SM-1.

25 This is Page 385 of the Facebook business record.

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1 Can you tell us what the status is here.

2 **A.** [Reading]: Is it not true? Death comes upon swift wings
3 to those who violate the laws of loyalty. Love is
4 unconditional, but loyalty is everything; therefore, when
5 dealing with our friends, we must never let our emotions
6 overpower our intelligence. Why? The closest one too be da
7 one that do ya. Stay vigilant.

8 **Q.** Now, I want to show you Government's Exhibit SM-6.

9 Looking here at the first page of SM-6, first of all, is
10 this an Instagram business record?

11 **A.** Yes, it is.

12 **Q.** And looking here at the first page, who is the Instagram
13 page registered to?

14 **A.** Wolfmobb@icloud.com.

15 **Q.** And is that the same e-mail address associated with the
16 iCloud account we have discussed?

17 **A.** Yes.

18 **Q.** And what is the vanity name for this account?

19 **A.** Bgm_omnipotence.

20 **Q.** And, Agent Aanonsen, did you review what was contained
21 within SM-6?

22 **A.** Yes.

23 **Q.** Were there photos contained within SM-6?

24 **A.** Yes; numerous photos and videos of Dante Bailey.

25 **Q.** And you mentioned that numerous photos and videos were of

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1 Dante Bailey. Was he prominently featured within SM-6?

2 A. Yes.

3 Q. And based on that, did you form an opinion as to who was
4 operating Government's Exhibit SM-6, the Instagram page?

5 A. Yes. Based on the contents of the account, we believed it
6 to be operated by Dante Bailey.

7 Q. So I want to go to SM-6, Page 25. Page 127 of the
8 Instagram business record return, can you tell us what this is
9 a picture of.

10 A. It's a picture of a silver firearm.

11 Q. And can you tell us the taken date listed on this
12 particular page.

13 A. June 23rd, 2016.

14 Q. I'm going to just zoom in -- perhaps that would be easier.
15 Can you tell us that taken date again.

16 A. June 23rd -- or I'm sorry.

17 April 23rd, 2016. It's kind of grainy on here.

18 Q. I'm going to pull up the next page. This is SM-6,
19 Page 26. And this is Page 128 of the Instagram business record
20 return.

21 Is there a -- are there comments associated with this
22 particular photograph?

23 A. Yes.

24 Q. And can you tell us who -- looking at the red box on the
25 right, who is the user who posted the first -- the top text?

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1 A. Bgm_omnipotence.

2 Q. Again, is that the individual who was operating the
3 account? Is that the vanity name for this account?

4 A. Yes.

5 Q. What was the comment?

6 A. [Reading]: Still hands on pretty, pretty bitches.

7 Q. And is there a response?

8 A. Yes. From user hollywoodgogetta, it says [reading]:
9 Yeah.

10 Q. And is there a name associated with the user
11 hollywoodgogetta?

12 A. Yes.

13 Q. And who is that?

14 A. Kevin Forrest.

15 Q. So I'm going to come back to Mr. Forrest in a little
16 while, but I'm going to stick with SM-6 for a moment and show
17 you Page 49.

18 Page 198 of the Instagram business record.

19 Looking here in the middle of the page, can you tell us
20 what the text says.

21 A. [Reading]: Mafia. My all family IM.

22 Q. And that term "my all family I am," over the course of
23 your investigation, have you come across that expression
24 before?

25 A. Yes. "My all family I am" is an acronym. If you take the

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1 first letter, it spells mafia.

2 Q. So sticking with SM-6, I'm going to show you Page 53.

3 Can you tell us who this -- who is in the center of this
4 particular photograph.

5 A. Dante Bailey.

6 Q. And what is Mr. Bailey doing with his hands?

7 A. His right hand has five fingers up. His left hand has two
8 fingers up.

9 Q. Now, showing you the next page, so this will be SM-6,
10 Page 54. It will be Page 208 of Government's Exhibit -- 208 of
11 the business -- of the Instagram business record.

12 Can you tell us what the text highlighted in the red
13 portion is.

14 A. Yes. It says [reading]: 5 laws. Never hate, never
15 steal, ride hard, never snitch, and die hard. 2 rules. Get
16 money or get lost in your own brain sauce. 5deuce life.

17 Q. Agent Aanonsen, I now want to show you
18 Government's Exhibit IND-7.

19 Who are we looking at here?

20 A. That's Randy Banks, a/k/a Dirt and Sand.

21 Q. And is Mr. Banks sitting in the courtroom today?

22 A. Yes. He's to the right of Mr. Bailey, dressed in a black
23 button-down shirt.

24 Q. I want to show you what has already come into evidence as
25 a screenshot taken -- I'm sorry.

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1 I want to show you what is a screenshot taken from a
2 social media account. This is SM-28.

3 Who is in this particular picture?

4 **A.** In the foreground, in the blue fur coat is Dante Bailey
5 and to his right in the black leather coat is Randy Banks.

6 **Q.** Can you read the caption for us.

7 **A.** The caption says [reading]: 4600 and 5200 collides big
8 dummies.

9 **Q.** Now, the intersection of Windsor Mill and Forest Park and
10 the BP Gas station you described earlier, can you remind us
11 where on Windsor Mill that is located.

12 **A.** The 5200 block.

13 **Q.** And over the course of your investigation, did you
14 determine where Mr. Banks frequented?

15 **A.** Yes; the 4600 block of Liberty Heights and Gwynn Oak.

16 **Q.** I want to turn your attention to SM-25, which is another
17 screenshot from a publicly available account.

18 Looking specifically to the left of this photograph, can
19 you tell us who's depicted here.

20 **A.** It's Randy Banks.

21 **Q.** And are you able to tell us where this photo was taken?

22 **A.** On the main strip, 4600 block of Gwynn Oak and Liberty.

23 **MR. SARDELLI:** Objection, Your Honor. I think this
24 calls for speculation. He hasn't laid a foundation of how he
25 knows where the photo has been taken at.

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1 **THE COURT:** If you'd like to have him explain how he's
2 familiar with that location.

3 **MS. PERRY:** Certainly.

4 **BY MS. PERRY:**

5 **Q.** Agent Aanonsen, are you familiar with the 4600 block of
6 Liberty Heights and Gwynn Oak?

7 **A.** Yes.

8 **Q.** How are you familiar with that area?

9 **A.** We've been up to that area numerous times. In this photo
10 on the right-hand side is the Four G's liquor store. You can
11 see the faint half of a Bud Light at the liquor store, and the
12 left side is a yellow store. It's a grocery store, and the
13 front of the bricks is painted yellow.

14 The walk underneath is a cobblestone type that -- that
15 sidewalk around that area is like that. And that's frequently
16 where we saw numerous of these individuals congregating.

17 **Q.** And based on your personal observations of that area on
18 several occasions, are you able to identify the location in
19 this photograph?

20 **A.** Yes.

21 **Q.** And, again, if you could tell us where this photograph was
22 taken, based on your --

23 **A.** 4600 block of Liberty and Gwynn Oak.

24 **Q.** And looking again at the left side of the photograph where
25 you identified Mr. Banks, can you tell us what he's doing with

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1 his hands.

2 **A.** He has his hands together with four fingers positioned
3 downward, creating what appears to be an M.

4 **Q.** I'm going to show you something from the iCloud account.
5 This is IC-65.

6 Can you tell us who is on the far left of this photograph.

7 **A.** That's Randy Banks.

8 **Q.** And who is in the center of the photograph?

9 **A.** Dante Bailey.

10 **Q.** And what is Mr. Bailey doing with his hands?

11 **A.** He has his pointer fingers placed together in the center
12 of his chest. And his middle finger is pointing down, creating
13 what appears to be an M.

14 **Q.** And what about Mr. Banks; what does he appear to be -- can
15 you describe what Mr. Banks is doing with his hands.

16 **A.** He has his hand placed on his chest with his thumb, his
17 pointer, and his pinky finger extended. His middle and index
18 finger are closed in.

19 **Q.** And is this a gesture that you became familiar with over
20 the course of your investigation?

21 **A.** Yes.

22 **Q.** And how were you familiar with it?

23 **A.** We've seen it in numerous photographs.

24 **Q.** So I'm going to leave up IC-65 and pull back up IC-33.

25 So looking at these two, do they appear to be the same

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1 gestures made by Mr. Banks and Mr. Bailey in those two
2 photographs?

3 A. Yes, they appear that way.

4 Q. I'm going to show you another photograph from the
5 iCloud account. This is IC-52.

6 Can you tell us who is on the left side of this photo.

7 A. Randy Banks.

8 Q. And what about in the center of the photograph?

9 A. Dante Bailey.

10 Q. And can you tell us what the individuals in this
11 photograph are doing with their hands -- or, rather, the
12 individuals on the left side of the photograph are doing with
13 their hands.

14 A. They're holding it up in the same gesture I just
15 described.

16 Q. And can you tell us what's on the table on the bottom left
17 of this photograph.

18 A. A cell phone and an open scale.

19 Q. I'll show you IND-2.

20 Can you tell us who this is.

21 A. That's Corloyd Anderson, a/k/a Bo, a/k/a --

22 Q. And is Mr. --

23 A. I'm sorry.

24 Q. Go ahead.

25 A. We've also seem him referred to as Fat Tony.

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1 Q. And is Mr. Anderson in the courtroom today?

2 A. Yes. He's positioned to the right of Mr. Lockley, the
3 black button-down shirt and a tie.

4 Q. I want to show you another exhibit from the
5 iCloud account. This is IC-57.

6 Who is in this photograph?

7 A. In the foreground of the picture, it is Dante Bailey
8 making the same gesture I described previously with his hand.
9 And in the background is Corloyd Anderson with a phone placed
10 up to his ear.

11 Q. And now showing you IC-58.

12 Can you tell us who the individuals on the left side of
13 this photograph are.

14 A. Yes. The individual in the green shirt is
15 Corloyd Anderson. The individual in the middle of the
16 photograph is Dante Bailey.

17 Q. Can you tell us what Mr. Bailey is doing with his hands.

18 A. Placing his index fingers together and extending his
19 middle fingers downward to create what appears to be an M.

20 Q. And Mr. Anderson?

21 A. He has his middle finger and index finger crossed; his
22 pointer and his pinky downward with a space in between,
23 creating what appears to be an M.

24 Q. I'm going to show you IND-60.

25 Who is this?

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1 **A.** Jamal Lockley, a/k/a T-Roy, a/k/a Droid.

2 **Q.** And is Mr. Lockley in the courtroom today?

3 **A.** Positioned to the left of Mr. Anderson. He has a
4 light-colored, button-down shirt on.

5 **Q.** I'm going to show you what's already -- I want to show you
6 something from the iCloud account. This is IC-102.

7 Can you tell us who is in this photograph.

8 **A.** In the foreground is Dante Bailey with a backwards hat on.
9 And next to him on the right is Jamal Lockley.

10 **Q.** I want to turn back to SM-1. This is the Facebook page
11 associated with Dante the Great. And I'll show you Page 68,
12 which is Page 833 of the Facebook business record.

13 Can you tell us who is in the right portion of this
14 photograph.

15 **A.** To the extreme right with the white sweatshirt on is
16 Dante Bailey.

17 In the middle foreground with the purple polo is
18 Jamal Lockley.

19 **Q.** Turning back to the iCloud, this is IC-15.

20 Can you tell us who is depicted in this photograph.

21 **A.** Yes. To the extreme right, with the baseball cap on, the
22 white T-shirt with the black sleeves hanging out is
23 Dante Bailey.

24 Positioned next to him was another target of our
25 investigation, Dominick Wedlock, with a green sweatshirt on.

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1 Kneeling down in the front is Jamal Lockley.

2 And standing on the extreme left is Melvin Lashley.

3 Q. And did Melvin Lashley also come up over the course of
4 your investigation in other ways?

5 A. Yes. He was also a target of our investigation.

6 Q. So I will come back to Mr. Wedlock and Mr. Lashley in a
7 little while.

8 But what is Mr. Lockley doing with his hands here?

9 A. Making the same gesture I described previously.

10 Q. Now, turn to SM-12. This is an Instagram business record
11 return.

12 Looking here at the first page, who is this Instagram page
13 registered to?

14 A. Dirtyboy5200@gmail.com.

15 Q. And what is the vanity name associated with this account?

16 A. Dirty Boy Droid.

17 Q. And did you review the contents of this account?

18 A. Yes.

19 Q. And based on your review of the contents of the account,
20 who is prominently featured in this particular account?

21 A. It features numerous photographs of Jamal Lockley.

22 Q. And based on the content of the account, did you form an
23 opinion as to who was operating the account?

24 A. Yes. Based on the content of the account, we believed it
25 to be operated by Jamal Lockley.

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1 Q. Was there any other reason that you believed that this
2 account was operated by Mr. Lockley other than the content?

3 A. Yes. The vanity name references a nickname he goes by,
4 Droid, and also makes reference to the number 5200.

5 Q. I'm going to turn to Page 4 of SM-12. This is Page 20 of
6 the Instagram business record return.

7 Can you tell us who is depicted in this particular
8 photograph.

9 A. Right side of the photo with the black hoodie on and the
10 blue jeans is Jamal Lockley.

11 The other individual in the photo is Charlie Blackwell,
12 also known as C-Bo, who is also a target of our investigation.

13 Q. And, again, we'll come back to Mr. Blackwell in a little
14 while.

15 But can you tell us what the individuals in this
16 particular photograph are doing with their hands.

17 A. Charles Blackwell has his hand up with five fingers
18 extended.

19 Jamal Lockley has his hand up with two fingers extended.

20 Q. And are you able to determine the location that this photo
21 was taken?

22 A. It's inside the grocery store on the strip next to the
23 BP gas station.

24 Q. How were you able to determine that this is the location?

25 A. I've been inside the store.

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1 Q. I'm going to show you IND-19.

2 Can you tell us who we're looking at here.

3 A. Shakeen Davis, a/k/a Creams, a/k/a Dinero.

4 Q. And is Mr. Davis in the courtroom today?

5 A. Yes. He has a lavender-colored polo on.

6 Q. Let me show you Government's Exhibit SM-10, an Instagram
7 business record.

8 Can you tell us, first of all, if there is a registered
9 e-mail address associated with this particular exhibit.

10 A. Yes. Creams.dinero@icloud.com.

11 Q. And is there a name associated with the account?

12 A. Yes.

13 Q. What is that?

14 A. Young O.G. Lor Creams Dinero.

15 Q. And did you review the contents of this account?

16 A. Yes.

17 Q. And is there any individual who was prominently featured
18 in this account?

19 A. Yes; Shakeen Davis.

20 Q. And based on your review of the account, did you form an
21 opinion about who was operating this account?

22 A. Yes. We believed it was operated by Shakeen Davis.

23 Q. And what did you base that on?

24 A. By the contents of the account, the numerous photographs
25 depicting him.

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1 Q. And was it also in some part based on the name associated
2 with this account?

3 A. Yes. Creams and Dinero were street names he went by.

4 Q. So showing you Page 7 of this account, can you tell us who
5 we're looking at here.

6 A. It's a picture of Shakeen Davis.

7 Q. And what is Mr. Davis doing with his hands in this
8 photograph?

9 A. He has his index and middle fingers crossed, pointed
10 downward, with his pointer and pinky fingers pointed downward
11 as well, making what appear to be M's.

12 Q. And showing you the second page -- and I apologize. This
13 is Page 21 of the Instagram business record.

14 Showing you SM-10, Page 8, which is Page 22 of the
15 Instagram business record return, does the text that is on the
16 bottom of the left half of your screen and the top of your
17 right half of your screen, are those associated with the
18 photograph that you just described?

19 A. Yes.

20 Q. And can you tell us what the text associated with that
21 photograph is.

22 A. When we get business records back from social media
23 companies, sometimes text comes back as empty blocks and it's
24 actually symbols. We're able to decode the symbols. It makes
25 what appears to be an M in the two symbols that are missing

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1 from this, spelling out Murdaland Mafia, nothin' more, nothin'
2 less, #TheRealMOBB, #5200FAM.

3 **Q.** I'm going to come back to SM-10 in a moment.

4 But before, I want to go back to SM-6. This is the
5 Instagram account for bgm_omnipotence that you described as
6 belonging to Mr. Bailey. So showing you SM-6, this is Page 27.

7 And I'm also going to show you -- which is Page 132 of
8 that Instagram business record. And I'm also going to show you
9 SM-6, Page 28, which is Page 133 of the Instagram business
10 record.

11 Is this the -- looking, first, to the left half of your
12 screen, Page 27, is this the same photo or what appears to be
13 the same photo as the one you just described?

14 **A.** Yes.

15 **Q.** And looking to the right side of this, can you tell us
16 what the caption is from the Instagram account of
17 bgm_omnipotence.

18 **A.** It says [reading]: Shotout Creams Dinero.

19 **Q.** Now, turning back to SM-10, this is Page 9. This is
20 Page 28 of the Instagram business record.

21 Can you tell us who's in this photo.

22 **A.** Shakeen Davis.

23 **Q.** And what is Mr. Davis doing with his hands in this
24 photograph?

25 **A.** Placing his pointer fingers together and extending his

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1 middle fingers downward, forming what appear to be an M.

2 Q. I'm showing you the next page, so SM-10, Page 10, which is
3 Page 29 of the Instagram business record.

4 Is there a caption associated with this photograph?

5 A. Yes. It says [reading]: Murdaland Mafia mob the world is
6 ours #5200FAM.

7 Q. I'll turn to SM-13, which is an Instagram business record.
8 Can you tell us the name associated with this particular
9 account.

10 A. MOBB(k) BOSS.

11 Q. And is there a registered e-mail address?

12 A. Yes.

13 Q. What is that?

14 A. Can you make it bigger? It's like really grainy on here.
15 Fhp.5200fam@gmail.com.

16 Q. And is there a vanity name associated? I will enlarge
17 that as well.

18 A. Yes. Fh_dinero.

19 Q. And did you review the contents of this particular
20 account?

21 A. Yes.

22 Q. And were there photographs contained in this account?

23 A. Yes.

24 Q. And was there anyone prominently featured within the
25 business record return?

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1 A. Yes.

2 Q. Who was that?

3 A. Shakeen Davis.

4 Q. And based on that, did you form an opinion as to who was
5 operating this particular Instagram account?

6 A. Yes. Based on the contents of the account and the name
7 Dinero, we believed it to be operated by Shakeen Davis.

8 Q. Before I show you more of SM-13, I'm going to show you
9 SM-13A, which is a screenshot.

10 Is this a screenshot from that account we were just
11 talking about that was SM-13?

12 A. Yes.

13 Q. And can you tell us who is depicted in the photographs
14 here.

15 A. Shakeen Davis.

16 Q. And can you tell us what the profile says.

17 A. Has the vanity name fh_Dinero.

18 Underneath the number of posts and followers, it says
19 [reading]: 5Deuce BOSS Death Bk4 Dishonor Omertà code /
20 52Hunnit F.A.M.

21 There's some symbols, skull and crossbones.

22 [G] [M] [B] 410MurderLand - Forest Heights LOr Dinero.

23 Q. Showing you SM-13B, another screenshot, can you tell us
24 which account this was posted in --

25 A. Yes.

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1 Q. -- or under what vanity name it was posted.

2 A. Fh_dinero.

3 Q. And can you tell us who's depicted in the photograph.

4 A. Shakeen Davis.

5 Q. And what does the comment say?

6 A. [Reading]: Have a MOBB meeting with a MOBB BOSS #5200fam.

7 Q. And now going back to SM-13 and showing you Page 7, who is
8 depicted in this particular photograph?

9 A. Shakeen Davis.

10 Q. Agent Aanonsen, you've described the BP gas station at the
11 5200 block of Windsor Mill and Forest Park as being a focus of
12 your investigation.

13 Have you been to that location on numerous occasions?

14 A. Yes.

15 Q. And are you familiar with that location?

16 A. Yes.

17 Q. Are you able to identify where this photograph was taken?

18 A. The BP gas station.

19 Q. I'm going to show you IND-32.

20 Who are we looking at here?

21 A. Sydni Frazier, a/k/a Syd, a/k/a Perry.

22 Q. And is Mr. Frazier in the courtroom today?

23 A. Yes. He's sitting to the right of Mr. Davis, I can't see
24 what he's wearing (indicating).

25 Q. And are you indicating the person in the far back right of

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1 the courtroom?

2 **A.** Yes.

3 **Q.** I want to show you what's already -- I'm going to show
4 you, actually, SM-15.

5 This is an Instagram business record.

6 Looking here at the first page, can you tell us the e-mail
7 this is registered to.

8 **A.** Lilsid5200@yahoo.com.

9 **Q.** And is there a vanity name associated with this particular
10 account?

11 **A.** Yes. Getmneyboy.

12 **Q.** Did you review the contents of this account?

13 **A.** Yes.

14 **Q.** And who was featured in this account?

15 **A.** Sydney Frazier.

16 **Q.** And did you make -- form an opinion as to who was
17 operating this Instagram account?

18 **A.** Yes. Based on the photographs contained in the account
19 and the vanity -- the registered e-mail of Sid 5200, I believed
20 it to be operated by Sydney Frazier.

21 **Q.** I want to turn to Page 2 of this exhibit. Can you tell us
22 who's depicted here.

23 **A.** Sydney Frazier.

24 **Q.** I'm showing you now the next page of this, so SM-15,
25 Page 3.

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1 Is there a caption associated with this particular
2 photograph?

3 **A.** Yes.

4 **Q.** And let me zoom it in.

5 And can you tell us what that says.

6 **A.** [Reading]: Be back sooner than you think. There's a
7 lock, edDown, number sign, need. Looks like a notepad with a
8 pen on it, some animals, #Facts, #SidyWitDaBag #GMB,
9 #CCGorNOTHING.

10 **THE COURT:** Ms. Perry, you'll let me know when you're
11 at a good breaking point. We're close to 5 o'clock.

12 **MS. PERRY:** Thank you, Your Honor.

13 If I could just -- a few more photos, and then I think
14 I will be prepared to break.

15 **BY MS. PERRY:**

16 **Q.** Turning back now to SM-6, which is the Instagram account
17 you described as belonging to Mr. Bailey, and turning to
18 Page 79 of Mr. Bailey's Instagram account, can you tell us
19 who's depicted in this particular photograph.

20 **A.** Sydni Frazier.

21 **Q.** And can you tell us where this photograph was taken.

22 **A.** The side of the BP gas station.

23 **Q.** And how do you recognize it to be the side of the BP Gas
24 station?

25 **A.** It's featured in numerous YouTube videos. We've conducted

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1 surveillance there. That's the same graffiti we've seen in
2 other photos.

3 Q. Turning now back to SM-10, Shakeen Davis' Instagram
4 account, and showing you Page 5, can you tell us who's in this
5 particular photograph.

6 A. Right side of the photograph, dressed in all black, is
7 Sydni Fraizer. The other side of the photograph in a black
8 T-shirt is Shakeen Davis.

9 Q. Are you able to tell where this photograph was taken?

10 A. No.

11 Q. And can you tell us what Mr. Frazier is doing with his
12 hands in this particular photograph.

13 A. He has his pointer finger and his pinky finger extended
14 and his two middle -- and the middle and index finger curled
15 in.

16 Q. Turning now to Page 19, can you tell us who's depicted in
17 this photograph.

18 A. On the right -- wearing almost similar clothing, on the
19 right-hand side is Sydni Frazier. On the left-hand side is
20 Shakeen Davis.

21 Q. And are you able to tell where this photo was taken?

22 A. It is the Subway restaurant next to the BP.

23 Q. And turning now back to the iCloud account, I'm going to
24 show you IC-24.

25 Can you tell us who the three individuals on the

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1 right-hand side of this photograph are, sort of in the center
2 right-hand side.

3 **A.** On the right with the blue or black-and-white gym shorts
4 with the white T-shirt is Sydney Frazier.

5 Next to him in the black tank top with the red bandana is
6 Dante Bailey.

7 And to Dante Bailey's right in the center of the
8 photograph, with the dark-and-light-blue, horizontal-striped
9 T-shirt is Jamal Lockley.

10 **MS. PERRY:** Thank you.

11 Your Honor, I think this is a good point.

12 **THE COURT:** All right. Thank you.

13 All right. Ladies and gentlemen, we're going to
14 adjourn for today.

15 As I told you, we might stay a bit later tomorrow, but
16 we're adjourning for today.

17 Please leave your notes here. Keep an open mind.
18 Don't talk about the case.

19 Thank you very much, and we'll see you tomorrow at
20 10:00, tomorrow at 10:00.

21 (Jury excused at 5:01 p.m.)

22 **THE COURT:** All right. And the witness is free to
23 step back down.

24 And we will excuse the gallery.

25 (Pause.)

1 **THE COURT:** All right.

2 **MS. AMATO:** I'm sorry. I just have one --

3 **THE COURT:** I can't hear you.

4 **MS. AMATO:** I will -- Your Honor, I would just ask if
5 the Government could give us the courtesy of letting us know
6 which exhibit numbers they're going to call with their witness
7 beforehand so that we're aware. I mean, as Your Honor knows,
8 there's hundreds of exhibits here that we're dealing with.

9 And it just helps, especially with everything that
10 we've got to deal with around here, to know so that we can
11 better prepare as well. I didn't know which exhibits this
12 witness was going to cover.

13 I mean, I know they had given us certain topics. But
14 at least in the future and also before tomorrow, before this
15 witness continues, if the Government could at least let us
16 know.

17 **THE COURT:** Okay. Can you do that?

18 **MS. HOFFMAN:** Your Honor, I just want to clarify. So
19 we did send an e-mail to counsel ahead of time saying the
20 categories of exhibits, the iCloud exhibits and social media
21 exhibits that we would be focusing on.

22 And we have also turned over at least draft exhibits
23 in a number of categories in January and early February of this
24 year.

25 It's very hard for us to be able to give, you know, a

1 specific list of all the exhibits that we're going to be using
2 with each witness. I've never heard of that being done before.

3 In terms of general categories, particularly for
4 Agent Aanonsen, I understand, because he's going to be
5 testifying a number of times, we're happy to each time he
6 testifies let defense counsel know the general area of his
7 testimony and the general category of exhibits, for instance,
8 if it's from a particular search warrant or that sort of thing.

9 But I think it would be impossible for us to give a
10 list of specific exhibits and page numbers that we're going to
11 be using with every witness ahead of time.

12 **MS. AMATO:** Your Honor, I'm not saying the Government
13 hasn't turned this stuff over before. I know they have. I'm
14 not saying that they haven't.

15 But I actually in other cases I have had where --
16 particularly in cases where the exhibits are, in essence,
17 accepted to come in unless we lodge an objection beforehand.

18 So -- but I have had where I have asked Government
19 counsel to please -- you know, even if it's the same day, at
20 least let me see it before the witness takes the stand.

21 **THE COURT:** At this point I will just ask the
22 Government to do its best to identify the categories of
23 exhibits.

24 And, also, it would seem to me you've got them all
25 pretty well listed on the exhibit list by initial numbers so

1 that you say a category of iCloud; that's like IC-whatever
2 through whatever. Just try to do that.

3 **MS. AMATO:** Thank you, Your Honor.

4 **THE COURT:** Okay. We'll see how it goes.

5 **MS. WHALEN:** In light of what Your Honor's ruling was
6 about us challenging those exhibits, the method in which
7 they're being shown, which is they're calling it a number that
8 is not the number that we have; for instance, Facebook, it will
9 have a number on the right. It gets on the screen, and then
10 they read the number on the right.

11 So giving it to us in advance, we can pull those
12 things out and flag them if there is an issue. It's already
13 shown to the jury before we could challenge it. So that's what
14 we're asking. That's why we raised it in the pretrial
15 conference.

16 **THE COURT:** If there is the -- I mean, that is
17 reasonable that the defense counsel knows what it is that's
18 about to go on the screen before it goes on the screen.

19 **MS. HOFFMAN:** And I do want to emphasize that we did
20 turn over these exhibits over a month ago. And we haven't, you
21 know, received -- I think that the appropriate time to make
22 objections to, you know, the particular pages of social media
23 exhibits or iCloud exhibits that we were going to be using
24 would have been in the period in which we filed motions in
25 limine.

1 **THE COURT:** It's not realistic to expect defense
2 counsel to be able to file motions in limine. They'd spend
3 their entire life doing that, given the number of exhibits in
4 this case.

5 I assume that they focused on specific things that
6 they were able to identify that they thought were particularly
7 difficult.

8 But, again, if there is a way that you can figure out
9 that they know -- you can give them the exhibit number and
10 pause even a few seconds for them to be able to find it on the
11 exhibit list before it goes on the screen -- that would be
12 helpful.

13 I've given them the right to object as something goes
14 up. But just in case, I mean, I think it's to everybody's
15 advantage that it not go on the screen until they know what
16 it's going to be. Just do your best.

17 **MS. HOFFMAN:** We will do our best.

18 And just -- I did want to clarify for defense counsel
19 that the page numbers that Ms. Perry has been referring to, if
20 you pull up the exhibit in your exhibit discs, those are the
21 page numbers of the PDFs.

22 And we will do our best to provide both the page
23 number of the PDF and the page number of the business record.
24 But the initial page number to which -- that she's using to
25 direct the witness's attention is the page number of the actual

1 PDF document that is the exhibit.

2 **THE COURT:** Okay.

3 **MR. SARDELLI:** And, Your Honor, I'm not going to
4 retread the issues that have already been discussed, but --

5 **THE COURT:** I'm sorry. I can't hear you.

6 **MR. SARDELLI:** I'm not going to retread the issues
7 that have already been discussed.

8 But my issue is I think the images are going to the
9 jury before they've been admitted, and I know in other trials
10 that they won't be shown to the jurors until they're actually
11 admitted into evidence.

12 They can be shown to the witnesses and to us and
13 everything else, but they're basically going up there before
14 they're even admitted.

15 **THE COURT:** And I just addressed that. And I can't --
16 I mean, you have the exhibits. I'm trying to help you out the
17 best I can. I can't possibly -- if what you're suggesting is
18 that every single picture is going to be distributed again
19 among counsel and shown to me, I mean --

20 **MR. SARDELLI:** I'm just saying it doesn't get
21 published to the jury until it's formally admitted.

22 **THE COURT:** That's what you're saying, then. I don't
23 think that what you're suggesting is practical. I am going
24 to -- as I've said, I'm asking the Government to do their best
25 to identify categories of exhibits, general numbers of

1 exhibits, and some way for the particular page to be identified
2 before -- at least a second or two before it goes up on the
3 screen.

4 But I am not going to have them take every single page
5 up to the witness, ask what it is, describe it, have it
6 admitted. That's just not practical. We'd be here for four
7 months instead of two.

8 All right. I'll see you all tomorrow morning.

9 (Court adjourned at 5:09 p.m.)

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12 SA CHRISTIAN AANONSEN	138	--	--	--

13
14 I, Douglas J. Zweizig, RDR, CRR, do hereby certify that
15 the foregoing is a correct transcript from the stenographic
16 record of proceedings in the above-entitled matter.

17 _____
18 /s/

19 Douglas J. Zweizig, RDR, CRR, FCRR
20 Registered Diplomat Reporter
21 Certified Realtime Reporter
22 Federal Official Court Reporter
23 DATE: November 12, 2019
24
25

Douglas J. Zweizig, RDR, CRR - Federal Official Court Reporter

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